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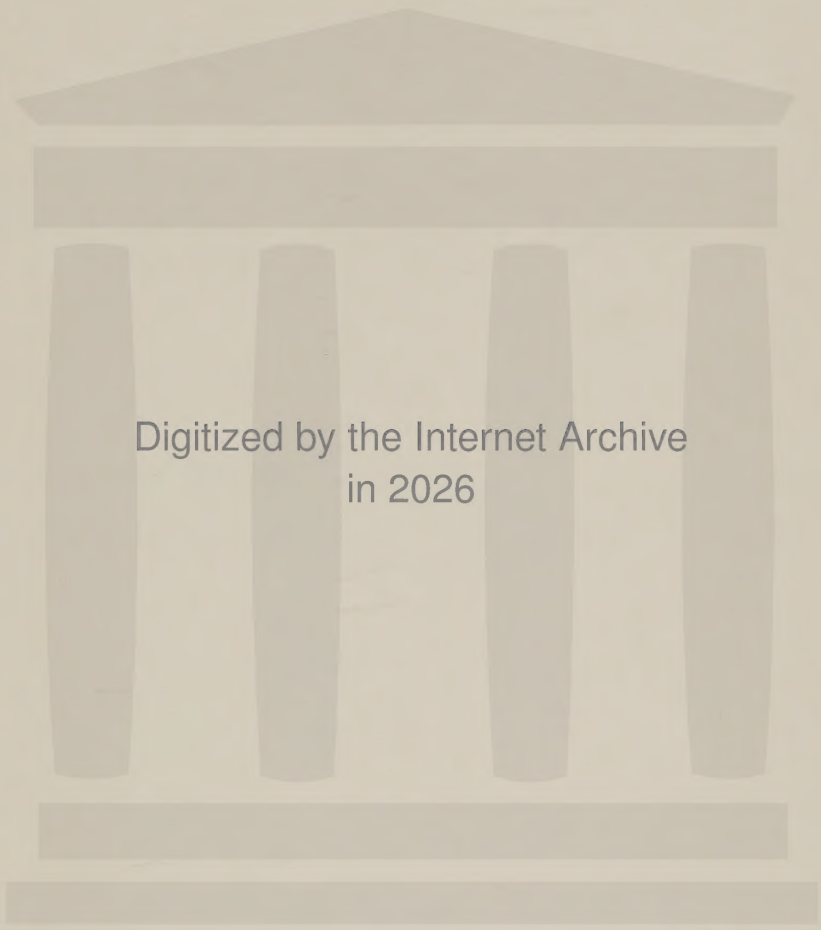
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THE

STATE RECORDS

OF

NORTH CAROLINA.

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COLLECTED AND EDITED

BY

WALTER CLARK,

CHIEF JUSTICE OF THE SUPREME COURT OF NORTH CAROLINA.

VOL. XXIV.

LAWS 1777–1788

NASH BROTHERS,
BOOK AND JOB PRINTERS,
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1905.

PREFATORY NOTES.

This collection of the Laws of the State is of unusual historical interest, as it affords a view of the labors of the patriots of 1776, who, amid the clash of arms and in the throes of rebellion, went steadily forward in establishing civil government on a just and enduring basis.

In July, 1774, the inhabitants of the Cape Fear District met in general meeting and appointed a committee to address the people of each county and recommended that they appoint deputies to attend a Provincial Congress or Convention. This appeal gave rise to committees in the several counties, which later became "Committees of Safety," and entirely supplanted the old system of government, while the Provincial Congress took the place of the General Assembly.

In December, 1776, a State Constitution was adopted and the first General Assembly of the State was elected under its provisions, and met in April, 1777. New laws were now to be enacted in conformity with the provisions of the State Constitution. Already two parties had made their appearance, dividing the Patriot leaders into contending factions. The principal subjects on which there was a divergence of opinion were those relating to the administration of the law. Eventually there was a court system adopted, which engaged the best powers of James Iredell, and in the preparation of which Archibald Maclaine also seems to have had a hand. Dr. Kemp P. Battle, in his address on the "History of the Supreme Court," says that this law is essentially a copy of the Act of 1767. He adds: "The codifiers of the Revised Statutes of 1836 give the credit to the unknown author of the Court Law of 1767, but an inspection of the Act of 1746 shows that its authors should have equal praise."

By the Convention or Congress of December, 1776, quite a number of persons were appointed commissioners to prepare bills to be passed into laws, and the fruits of their labors are manifest in the laws embraced in this volume—"laws which have received repeated encomiums for the ability and skill and accuracy with which they are drawn." Indeed, the records of those times, in every department of public action, bear ample testimony to the very superior merit of our North Carolina statesmen and legislators. In this volume will be found of special interest the laws by which the State raised its quota of men and means to carry on the war, and the difficult phases pro-

duced by a time of stress which legislation was called upon to alleviate. In some respects it was a counterpart, considering the change in circumstances, of the legislation of 1861-5.

During a part of the period covered by the acts contained in this volume North Carolina was not embraced in the union or sisterhood of American commonwealths. Those who are curious to trace her relations to the other States while she was not a member of the Union will find a manifestation of her attitude in her laws passed at that time.

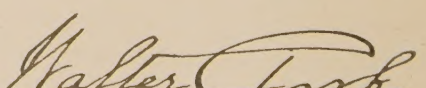
It will also be seen that it was not until December, 1787, that North Carolina ratified the terms of peace according to the treaty made in 1783. She was reluctant to agree to the provisions of that treaty in regard to her Tory citizens. In dealing with them from the beginning the Patriot party used a strong hand, and those who fled the State lost their property. The treaty secured them certain property rights. On this account it was years before the people of North Carolina would consent to declare the treaty a part of the law of the land.

One is impressed with a sense of the importance which the people of the State attached to education, for as soon as the turmoils of war had subsided academies were incorporated in various parts of the State, under the direction of leading citizens; and as early as 1785 an act was passed securing to authors and publishers the fruits of their own literary labors.

Also, in those early years the Legislature declared that negro slavery was an evil, which it sought to mitigate and restrict by taxing the importation of slaves and prohibiting their being brought into North Carolina from any other State where slavery was abolished. At the North, where there were but few slaves, gradual emancipation was easy; but where the uncivilized Africans constituted a large proportion of the population their enfranchisement would have been attended with many dangers.

The period embraced in this volume covers not only the war for independence, but the earlier years of statehood, and the laws collated give expression to the social condition of the commonwealth as well as to the energetic action of the people in "the days that tried the souls of men."

RALEIGH, N. C.,
1 December, 1905.



LAWS OF NORTH CAROLINA, 1777.

At a General Assembly, begun and held at New Bern, on the Eighth Day of April, in the Year of our Lord One Thousand Seven Hundred and Seventy-seven, and in the First Year of the Independence of the said State: Being the first Session of this Assembly. *Richard Caswell, Esq.*, Governor.

CHAPTER I.

An Act to Establish a Militia in this State.

I. Whereas, a well regulated militia is absolutely necessary for the Defending and securing the Liberties of a free State,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the Militia of this State be divided into six Brigades, viz.: One in each of the Districts of Edenton, New Bern, Wilmington, Halifax, Salisbury and Hillsborough. And each Brigade to be commanded by a Brigadier General. And the Militia of every County shall consist of all the effective men from sixteen to fifty years of age inclusive, to be formed into one or more regiments, each under the command of a Colonel, Lieutenant Colonel and two Majors. Every Regiment shall be divided into companies, consisting of fifty Rank and File at least, two sergeants, two corporals, one Drummer and one Fifer; and each Company to be under the command of a Captain, Lieutenant and Ensign. That every Company shall be divided into four Divisions, who shall draw Lots, for the First, Second, Third and Fourth Turns, to go on service and shall be numbered according to such lots.

III. And be it further enacted that the foregoing arrangements shall immediately upon the publication hereof be made in every County in this State by the Field Officers and Captains in their respective Departments; and that every Captain immediately on such arrangement, and afterwards every six Months shall return a Muster Roll of his Company, divided and numbered as aforesaid, to the Commanding Officer of the Regiment, under pain of forfeiting Five Pounds for every Default; and the commanding officer of each Regiment shall make an exact return from such lists within twenty days after receiving the same, to the Brigadier General of the District under pain of forfeiting Twenty Five Pounds for every Default.

IV. And be it further enacted, that the commanding officer of every Regiment shall whenever thereto required by the Brigadier General of the District, order a General Muster at the most convenient place for his regiment: under pain of Forfeiting Twenty-Five Pounds for every Default; provided he does not call them together more than twice in one year. And every Captain shall muster and train his company, divided as before directed, once in every month and oftener if directed by the commanding officer, under pain of forfeiting Five Pounds for every default. And every soldier refusing or neglecting to attend the General Muster, shall forfeit the sum of ten shillings, to be recovered together with the foregoing forfeitures as hereinafter directed.

V. And be it further Enacted, that the Brigadier Generals respectively, shall

return an exact Roll of all the officers and soldiers of their Brigades, distinguished into their proper Companies and divisions, to the Governor, once every year, and oftener if required; under penalty of One Hundred Pounds for every Default.

VI. And be it further enacted, that each Militia soldier shall be furnished with a good Gun, shot bag and powder horn, a Cutlass or Tomahawk, and every Soldier neglecting to appear at any muster, accoutered as above, shall forfeit for every such offence two shillings and six pence (unless he can make it appear that they were not to be procured) to be recovered as other fines. And where any person shall appear to the Field Officers not possessed of sufficient property to afford such arms and accouterments, the same shall be procured at the expence of the County, and given to such persons on muster Days, or when ordered into service, which Guns and Accouterments after such service, shall be returned to the Captain of the Company, and by him carefully preserved for future occasions. And whenever the Militia are called into service, they shall be allowed as follows, viz.: One Baggage, Wagon or two Carts for every Company, and one Cart and two Horses for a Brigadier General, one Baggage Cart and two Horses for the Field Officers of each Regiment; Ammunition and Waggons at the Discretion of the Brigadier General; the same rations to them and officers as allowed to the Continental Army, to be supplied by Commissaries appointed by the Brigadier; one Bell tent to each Company, entrenching tools, six axes, and a sufficient number of camp kettles. And the pay of the men and officers as follows, viz:.

A Colonel per day	12—6
A Lieutenant Colonel	10
A Major	10
A Captain	7—6
A Lieutenant and Chirurgeon	5
An Adjutant	7—6
An Ensign	4—6
A Sergeant	4
A Corporal, Drummer and Fifer	3
A Common Man	2—6
A Brigadier General	1—12

VII. And be it further Enacted, that the Commanding officer of every Regiment shall return an account of all expenses and Disbursements and pay appertaining to the said Regiment and shall produce as vouchers for such account, the amount rendered on oath of the Captains of the several Companies, and other persons expending or disbursing for the said regiment.

VIII. And be it further enacted, that there shall be ten light horsemen, and no more, from each Regiment, to be arranged in one or more companies, when they shall have joined the Brigade, at the Direction of the Brigadier General.

IX. And be it further Enacted, that no officer or soldier, in the Militia Service shall be tried for any offence against the Militia Law, or the Articles of War, except by a Court Martial to consist only of Militia officers.

X. And be it further Enacted that no Brigade, Regiment, Company or Division of Militia shall be under Command of any but Militia Officers, except when such Militia shall be ordered by the Civil Town to join the Continental Troops: In which case the Continental Officer of equal and the Militia officer of superior Denomination shall command.

XI. And be it further enacted, that such Divisions as shall at any time be

called into service shall be formed into Companies of not less than fifty men each with a proportioned number of officers, Sergeants, Corporals, Fifers and Drummers; and all the officers of each Regiment shall agree among themselves, concerning who shall command the men directed to march into actual service: But if they cannot agree, the Commanding Officer shall cause Lots to be drawn, and the officers on whom such Lot shall fall, shall command in their proper Rank and Department.

XII. And be it further enacted, that all persons within the ages of sixteen and fifty shall be liable to be drafted, and every person so drafted, obliged to serve or find an able bodied person in room. Provided, that the Council of State, and Publick Secretary, and Justice of the Peace, Ministers of some Church regularly settled, and having the Cure of Souls, and Continental post masters, shall not be obliged to attend general or private Musters.

XIII. And be it further enacted, that for all Defaults at Private Musters, the Captains of their respective Companies shall issue Citations against the Delinquents, returnable to the succeeding Muster; and in case of insufficient cause being shown for absence, shall issue his warrant to the sergeant for levying the above Fines; and the fines so collected shall be applied towards providing arms for such as have not sufficient property to procure such for themselves.

XIV. And be it further enacted, that there shall be a Court Martial held the Day after every General Muster, to be composed of one Field Officer and six Captains, or subalterns, at least, which said Court shall have full power to inquire into the Age, and abilities of all persons enlisted and to exempt such as they judge incapable of service and of all neglects and omissions as well by any officers as soldiers; and to hear and determine all appeals whatever; and to dispose of all Fines for the use of the County; and the said Court is hereby Directed and required to keep a Register of all their proceedings; and for that purpose to appoint a Clerk, and to allow him a reasonable salary out of the Fines.

XV. And be it further enacted, that where any soldier shall neglect or refuse to appear at any general muster, equipt as aforesaid, the Captain of the Company to which he belongs shall return him as a Delinquent to the General Court Martial; and they are directed and required hereby to send citations against such persons, signed by the President and returnable to the next General Court Martial; and on failure of sufficient excuse, they are hereby impowered to issue execution against the Estate of such Delinquents, for the Fines incurred by their neglect or refusal.

XVI. And be it further Enacted, that if any soldier shall during the time of any muster, or when in service, resist his commanding officer or refuse his lawful commands, such soldier shall be punished at the discretion of his officer, by being tied neck and heels not exceeding fifteen minutes. And if any officer or soldier shall refuse to carry such Commands into Execution, he or they so offending shall forfeit and pay the sum of five Pounds, to be levied by a warrant from any Field Officer in the Regiment, and applied as other fines mentioned in this act.

XVII. And be it further enacted, that no officer or soldier going to, continuing at or returning from any Muster in any reasonable time shall be liable to be arrested by any officer, on any civil action or process whatsoever; any Law, Usage or Custom to the contrary notwithstanding.

XVIII. And be it further enacted, that in all cases where it shall be requisite to administer an oath relative to any Military matters, any Commissioned officer is hereby impowered and required to administer the same.

XIX. And to prevent oppression: Be it further enacted, that no officer or soldier of the Militia or regulars in this State, shall press any Wagon, Cart

or Horse or other thing of any nature whatsoever, unless authorized thereto by warrants under the Hands and Seals of two Justices of the Peace (Not being militia officers then in actual service) of the County where such Press shall be necessary. And any officer or soldier before he shall press anything as aforesaid, shall demand the same peaceably from the owner or possessor thereof; and in case of refusal shall produce his warrant aforesaid, before he proceeds to press. And every officer or soldier who shall offend against this act shall forfeit and pay ten pounds for every such offence to the person injured, and be moreover liable to the action or actions of the party grieved; to be recovered before any jurisdiction having cognizance thereof. And every thing so pressed shall be valued by two indifferent persons upon oath, and a certificate of the valuation given by such valuers, to the owner or possessor, from whom the same shall be pressed; in order that if the same shall not be restored to the owner or possessor, he may be allowed such valuation by the publick.

XX. And be it further enacted by the authority aforesaid, that every absentee shall be allowed till the next succeeding muster to make excuse, before the Captain shall issue his warrant; unless against such Defaulters, as he may suspect are about removing themselves out of the County, before such succeeding Muster; in which case it shall and may be lawful for such captain to issue a summons to cause such suspected person to appear before him, and upon hearing him or the person refusing to obey the summons, the Captain shall then proceed as to him seems just. And every person that shall be fined in virtue of this act, and shall think himself injured by his officers, may appeal to the next Court Martial; first giving security in the sum of twenty shillings to appear, and abide by the judgment of the said Court. And if judgment shall be against him, that he will then and there pay the fine, with two shillings costs.

XXI. And be it further enacted by the authority aforesaid, that every person who shall neglect or refuse, on call or alarm given, to appear himself in person, or send an able bodied man in his stead, at such times and places as shall be appointed by his Captain or other officer, shall forfeit and pay ten pounds proclamation money. And it shall and may be lawful for any one Justice of the Peace of the County where such person so failing resides to cause him to be immediately apprehended and committed to Gaol, until he shall find security for his appearance at the next Court Martial. And if such Defaulter shall fail to appear and make satisfactory excuse to the next Court Martial, the President of the said Court Martial is hereby directed and empwered to issue his Warrant for levying the aforesaid Fine, directed to the Sheriff of the County where the offender resides. And such Sheriff who is hereby required and directed to execute the same, shall for every neglect or refusal, forfeit and pay the sum of Twenty Pounds Proclamation Money to be recovered by action of Debt in any Court of Record in this State. And every person who shall refuse to march against the enemy when commanded, or refuse or neglect to do his duty, or perform the service he is put upon by his Captain or other officer, or shall quit his post, desert his colours or mutiny, it shall and may be lawful for one Field Officer or more, two Captains, two Lieutenants, and two Ensigns, or the Majority of them openly to hold a Court Martial, first taking the following Oath; which is to be taken by all other Court Martials, Viz: You shall swear well and truly to try according to evidence, in the matter now before you, and on trial and conviction to punish the offender according to Martial Law and the nature of the offence may require (death excepted). And for want of such number of officers to compleat a Court Martial the offender shall be

put under guard until such time as there shall be a sufficient number for that purpose.

XXII. And be it further enacted by the Authority aforesaid, that when any Brigade shall be ordered into actual service, the following rules and regulations shall be observed, viz: One Waggon Master shall be appointed by the Field Officers of every Battalion, subject to be removed or rejected by the Brigadier General; who before he enters upon his duty shall take an oath that he shall faithfully execute the said office. And the Commissaries shall every morning make a return to the Waggon-Master of the provisions which the Waggon Master having examined and compared, shall return signed and certified, to the Commanding Officer. And the Waggon Master shall attend as his special duty to the arrangement of the Waggons, taking care that every morning no more begin the march, than one for every ton of provisions, except where there may be half a ton or upwards, over and above what will make a ton for every Waggon but one; in which case the one waggon shall be kept in service, until so much is consumed, as to render it below half a ton. And in all cases where the quantity over a ton for each Waggon, is less than half a ton, the overplus shall be distributed into the other waggons, as equally as may be. And every morning all the empty waggons shall be discharged; each waggon having first obtained a certificate from the Waggon Master, setting forth the number of days it had been in service, and the place where discharged and the distance to return. And for every twenty miles of such return, each waggon shall be allowed twenty shillings, or one Day's pay, and half the sum for such Carts as shall be employed in the service And every Waggon-Master shall be allowed the pay and rations of a Major. That there be a paymaster to each Brigade who shall attend the same and be allowed Major's pay and rations.

XXIII. And be it further enacted by the authority aforesaid, That the divisions made for drafting the militia in the several counties in this State, according to a resolve of Congress passed at Halifax in May last, shall continue; and the persons who have in pursuance thereof been drafted and actually called forth in the service of this State, shall not be again drafted, nor called into actual service, till, according to the order of the said Divisions, it shall in rotation come to their time to be again drafted and called into the actual service of this State; anything in this act contained to the contrary notwithstanding.

XXIV. Whereas the penalties incurred by some of the Militia, who refused to march in the late expedition against the Cherokees and other enemies, for the necessary Defence of this State, have been imposed agreeable to Act of Assembly, and resolves of Congress; and whereas some of the said penalties incurred and imposed, as aforesaid, have not been collected.

XXV. Be it therefore enacted by the authority aforesaid, That the Colonel or Commanding officer of every Regiment of Militia in this State, shall be and is hereby impowered and authorized to issue his Precept under his hand and seal, directed to the Sheriff of the County, where the offender resides, to levy the said Fines, by Distress and sale of the offender's Goods and Chattels; and the said fines shall be applied in the same manner as other fines imposed by this act. And the sheriffs for their service shall out of the said fines receive the fees allowed by law for levying executions, and for every Neglect or Refusal, shall forfeit and pay the sum of Ten Pounds.

CHAPTER II.

An Act for levying a Tax by General Assessment, and other Purposes.

I. Whereas the levying a tax on property by general assessment will tend to the ease of the inhabitants of this State and will greatly relieve the poor people thereof and as it is absolutely necessary for the support of government and defraying the expences and contingent charges thereof that a tax be immediately laid and the monies arising therefrom collected as soon as may be.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a tax of one halt of a penny be levied on each pound value of all the Lands, Lots, Houses, Slaves, Money, money at interest, Stock in trade, Horses and Cattle in this State.

III. And for the better ascertaining the value of such property, Be it further enacted by the authority aforesaid, that the several County Courts in this State shall at their respective Courts to be held after the first day of July next and so at such Courts yearly and every year lay out their respective counties into moderate and convenient districts and shall appoint a Magistrate for each District to receive from every Inhabitant of such District a just and true amount of his or her Estate as aforesaid on oath within one month after the sitting of such Court which account shall be immediately delivered by the Magistrate so receiving the same to the persons appointed to value the property in such District together with an account of his own estate upon oath.

IV. And be it Enacted by the authority aforesaid, that the said Courts respectively shall appoint three honest and intelligent persons who shall on oath (to be administered by any Justice of the Peace) value the property of each individual as aforesaid, as near as may be within their respective districts and make return thereof to the next succeeding County Court and in case they cannot all agree in such valuation the agreement of any two of them shall be valid, but where they shall all differ in opinion respecting the value of any property, then and in that case, the valuation of each of the said persons shall be added together and the third part of all the three sums shall be adjudged to be the true value of such property and shall be returned to the Court accordingly.

V. And for the more effectual collecting and gathering of the taxes to be applied by virtue of this Act, Be it enacted by the authority aforesaid that the respective Courts shall appoint a Collector or Tax Gatherer within each District who shall collect all the taxes within such District but before executing his said office shall enter into Bond with sufficient security in double the amount of the tax to be collected in his District payable to the Governor or Commander in Chief for the time being for the faithful discharge of his duty and every Tax Gatherer shall be allowed at the rate of six pounds for every Hundred Pounds he shall so collect and so in proportion for a greater or less sum.

VI. And be it enacted by the Authority aforesaid, that the Sheriff of every such County in this State respectively shall and they are hereby required to demand and receive of the Tax Gatherer within their respective Counties all sums of money which shall be collected by virtue of this Act and for that purpose the Sheriffs shall be and they are hereby constituted County Treasurers and shall be allowed at the rate of two pounds for every hundred pounds they shall so receive as aforesaid and every Sheriff before he qualifies as such shall enter into Bond in the Court of his County with two or

more sufficient securities in double the amount of the tax assessed in his County payable to the Governor and Commander in Chief for the time being conditioned that he will well and truly account for and pay to the Treasurer or Treasurers of the State all such sums of money which he shall receive from the Tax Gatherers as aforesaid after deducting the commissions allowed by this Act for his Trouble.

VII. And be it enacted by the authority aforesaid, That every freeman in this State (other than soldiers in the service of the Continent) who does not possess an estate of one hundred pounds value shall pay a poll tax of four shillings to the public in lieu of assessment on property which shall be collected and accounted for in the same manner as other moneys by this act assessed.

VIII. And that a just and true account of the property and persons liable to pay taxes may be had. Be it enacted by the authority aforesaid, that the Magistrate who shall be empowered to receive an account of the property in each respective district shall order the Constable of his District to warn all the inhabitants therein to attend such Magistrate on a certain day and at a certain place which order the constable is hereby required to obey and if the constable shall fail or neglect to summon & warn the inhabitants as aforesaid, he shall forfeit and pay the sum of twenty pounds to be recovered by action of debt in any Court of Record in the name of the Governor for the time being to the use of the State.

IX. And be it further enacted by the authority aforesaid, That owners of land and other property liable to be taxed, as aforesaid which may happen to lie or be situated in a different county than that in which such owner happen to reside shall give in an account of all their taxable property wherever it may be in those counties wherein they reside respectively and the Justice who receives the same shall transmit an account of such part thereof as lies out of his County to the Court of the County wherein the same may be and shall by such Court be delivered to the persons appointed to ascertain the value of property in the District where such property lies who shall value the same in the same manner as other property in their districts & make return as aforesaid and such valuation shall be returned by the Court of the County wherein such valuation shall be made to the Court of the County wherein the owner of such property resides who shall be obliged to pay the assessment thereon to the Tax Gatherers of his District in the same manner as for such of his property as may be valued in his own county.

X. And be it enacted by the authority aforesaid, that if any person shall fail or refuse to give in an account of his or her property agreeable to the directions of this act it shall and may be lawful for the assessors in the respective Counties and Districts to value on oath as nearly as they can estimate the same the value of the property of the person or persons so failing or refusing as aforesaid, and the assessment thereupon shall be one penny for every pound value & shall be collected in the same manner as other assessments mentioned in this Act.

XI. And be it enacted by the authority aforesaid, That if the Justices of the respective County Courts shall fail or neglect to lay out their respective Counties into districts as aforesaid, or shall fail or neglect to appoint a magistrate or persons to ascertain the value of property or a Tax Gatherer in each District or shall fail or neglect to do any other duty by this act required, every Justice so failing or neglecting as aforesaid shall forfeit and pay the sum of one hundred pounds to be recovered by action of Debt in any Court of Record in the name of the Governor for the time being to be applied to the use of the State.

XII. And be it further enacted by the authority aforesaid, that if the Magistrates to be appointed in virtue of this act for receiving an account of Estates in their respective Districts or any of them or any of the persons to be nominated and appointed to value the property of the inhabitants as aforesaid shall refuse or neglect to do the several and respective duties by this act required, or any of them; the person so refusing or neglecting shall forfeit and pay the sum of one hundred pounds to be recovered by action of Debt in the name of the Governor and to be applied to the use of the State.

XIII. And be it enacted by the authority aforesaid, That inventories of the Estates of Testators, Intestates, Minors and Absentees shall be delivered by the Executors, Administrators, Guardians and agents or attorneys respectively, in the same manner as the estates of other persons, and on refusal or neglect shall be valued as aforesaid and the assessment shall be levied of the proper Estate of such Executor, Administrator, Guardian, Agent or Attorney so refusing or neglecting as aforesaid; any Law, Usage or Custom to the contrary notwithstanding.

XIV. And be it further enacted by the authority aforesaid, That the real Estate of persons residing out of this State who have not any personal property therein shall be assessed yearly by the persons appointed to value the estate of the Inhabitants and a particular and separate return thereof made to the County Court and if the assessment thereon shall not be discharged within two years after the passing of this act, then such estate, or so much thereof as may be necessary to discharge the several assessments with all contingent charges shall be sold by the Sheriff of the County wherein the same shall be by order of the County Court; any Law or Usage to the contrary notwithstanding.

XV. And be it further enacted by the authority aforesaid, That the estates of the persons appointed to value the property in the respective districts shall be valued and appraised by the Court of the County and the Tax Gatherers shall account with the County Treasurers for the Assessments on their own estates in the same manner as other Taxes.

XVI. And be it further enacted by the Authority aforesaid, That if any Person after being lawfully taxed as aforesaid shall neglect or refuse to pay the sum he shall be so taxed for the space of three months after the first day of October in each year, the respective Collectors, or Tax Gatherers, may and they are hereby empowered to levy the same by Distress and sale of the Goods and Chattels of the Delinquent, and shall be entitled to take & receive for such Distress the sum of two shillings and eight pence and no more; Provided always, that no distress shall be made on slaves without the consent of the real owner thereof if other sufficient personal estate can be found.

XVII. And be it enacted by the authority aforesaid, That the respective County Courts shall transmit yearly to the General Assembly an exact account of the valuation or assessment in their respective Counties, which account shall be signed by the presiding Justice in such Court and certified by the Clerk thereof.

XVIII. And be it Enacted by the authority aforesaid, That the respective Tax Gatherers shall pay the Taxes by them received and levied to the County Treasurer on or before the first day of April in each year, and the County Treasurers shall account with and pay to the Treasurers of the State all such monies as they shall receive by virtue of this act on or before the first day of June yearly, and the Tax Gatherers and County Treasurers, or any of them, failing to account and pay in manner by this act directed, shall forfeit

his or their Commissions, given by this Act and shall be obliged to pay the whole sums by them so collected and received.

XIX. And be it enacted by the authority aforesaid, That the oath to be taken by the assessors, or those appointed to value property in the respective Districts as aforesaid, shall be in the following form, that is to say:

I, A. B., do solemnly swear that I will faithfully and impartially without prejudice, favor or affection, value and appraise to the best of my knowledge and understanding, and as nearly as may be, the property which by law is liable to be taxed in the District wherein I am appointed for that purpose. So help me God.

XX. And be it further enacted by the authority aforesaid, that the condition of the Bond to be given by the Tax Gatherers shall be as follows, to-wit:

"Whereas the above bound A. B., is by the County Court of ———— nominated and appointed to collect and gather the public taxes assessed on the inhabitants in ———— District in the said County, The Condition therefore of this obligation is such that if the said A. B. shall, and do well and truly collect and gather all the public taxes in the said District and shall & will well and truly account for and pay the same to the County Treasurer in such manner and at such times as the law requires, after deducting his commissions and such insolvents among those who are liable to pay a poll tax as the Court of his County shall allow, then the above obligation to be void, otherwise to remain in full force and effect.

XXI. And be it enacted by the Authority aforesaid, That the condition of the Bond to be given by the County Treasurers shall be in the following form, that is to say:

Whereas the above bound ———— Sheriff of ———— County, is by Law constituted Treasurer of his County for the purpose of receiving from the different collectors or Tax Gatherers therein the taxes assessed and laid by act of the General Assembly for the support of Government. Now the condition of the above obligation is such that if the said ———— Sheriff shall, and do well and truly account with and pay to the Treasurer or Treasurers of the State at such time as he is, or shall be by law required, all such sum or sums of money as he shall, or may receive, from the different Collectors or tax Gatherers, in his County for Public taxes, then this obligation to be void, otherwise to remain in full force and effect.

CHAPTER III.

An Act declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from the Persons disaffected to the State.

I. Be it Enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the Authority of the same, That all and every Person and Persons (Prisoners of War excepted) now inhabiting or residing within the limits of the State of North-Carolina, or who shall voluntarily come into the same hereafter to inhabit or reside, do owe, and shall pay Allegiance to the State of North Carolina.

II. And be it further enacted by the Authority aforesaid, That if any Person or Persons belonging to, or residing within this State, and under the Protection of its Laws, shall take a Commission or Commissions from the King of Great Britain, or any under his Authority, or other the Enemies of this

State, or the United States of America; or shall levy War against this State, or the Government thereof; or knowingly and willingly shall aid or assist any Enemies at open War against this State, or the United States of America, by joining their Armies, or by inlisting, or procuring or persuading others to inlist for that Purpose, or by furnishing such Enemies with Arms, Ammunition, Provision, or any other Article for their Aid or Comfort; or shall form, or be in any way concerned in forming any Combination, Plot, or Conspiracy, for betraying this State, or the United States of America, into the Hands or Power of any foreign Enemy; or shall give or send any Intelligence to the Enemies of this State for that Purpose; every Person so offending, and being thereof legally convicted by the Evidence of two sufficient Witnesses, or standing mute, or peremptorily challenging more than thirty-five Jurors, in any Court of Oyer and Terminer, or other Court that shall and may be established for the Trial of such Offences, shall be adjudged guilty of High-Treason, and shall suffer Death without the Benefit of Clergy, and his or her Estate shall be forfeited to the State. Provided, That the Judge or Judges of the Court wherein such Conviction may be, shall and may order and appropriate so much of the Traitor's Estate, as to him or them may appear sufficient, for the Support of his or her Family.

III. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons within this State shall attempt to convey Intelligence to the Enemies of this State or of the United States; or shall publicly and deliberately speak or write against our public Defence; or shall maliciously and advisedly endeavour to excite the People to resist the Government of this State, or persuade them to return to a Dependence on the Crown of Great-Britain; or shall knowingly spread false and dispiriting News, or maliciously and advisedly terrify and discourage the People from inlisting into the Service of the State; or shall stir up or excite Tumults, Disorders or Insurrections in the State; or dispose the People to favour the Enemy, or oppose and endeavour to prevent the Measures carrying on in Support of the Freedom and Independence of the said United States; every such Person or Persons being thereof legally convicted by the Evidence of two or more creditable Witnesses, or other sufficient Testimony, shall be adjudged guilty of Misprision of Treason, and shall suffer Imprisonment during the War, and forfeit to the State one Half of his, her or their Lands, Tenements, Goods and Chattels.

IV. And be it further enacted by the Authority aforesaid, That all Offences by this Act declared Misprision of Treason shall be cognizable before any Justice of the Peace of the County where the Offence was committed, or where the Offender can be found; and every Justice of the Peace within this State, on Complaint to him made on the Oath or Affirmation of one or more credible Person or Persons, shall cause such Offender to come before him, and enter into a Recognizance, with one or more sufficient Surety or Sureties, to be and appear at the next County Court of the County wherein the Offence was committed, and abide the Judgment of the said Court, and in the mean Time to be of the Peace and good Behaviour toward all People in the State; and for Want of such Surety or Sureties, the said Justice shall and may commit such Offender either to the Gaol of the County or District where the Offence was committed, and appoint a Guard for the safe conveying of him to such Gaol. And all Persons charged on Oath or Affirmation with any Crime or Crimes by this Act declared to be Treason against the State, shall be dealt with and proceeded against in like Manner as the Law directs in respect of other capital Crimes.

V. And whereas the safety of the State, and the present critical Situation

of Affairs, make it necessary that all Persons who owe or acknowledge Allegiance or Obedience to the King of Great-Britain, should be removed out of the State; Be it enacted by the Authority aforesaid, That all the late Officers of the King of Great-Britain, and all Persons (Quakers excepted) being Subjects of this State, and now living therein, or who shall hereafter come to live therein, who have traded immediately to Great-Britain or Ireland within ten Years last past, in their own Right, or acted as Factors, Storekeepers, or Agents, here or in any of United States of America, for Merchants residing in Great-Britain or Ireland, shall take the following Oath of Abjuration and Allegiance, or depart out of the State, viz. I will bear faithful and true Allegiance to the State of North Carolina, and will to the utmost of my Power, support and maintain, and defend the independent Government thereof, against George the Third, King of Great Britain, and his Successors, and the Attempts of any other Person, Prince, Power, State, or Potentate, who by secret Arts, Treasons, Conspiracies, or by open Force, shall attempt to subvert the same, and will in every Respect conduct myself as a peaceful, orderly Subject; and that I will disclose and make known to the Governor, some Member of the Council of State, or some Justice of the Peace, all Treasons, Conspiracies, and Attempts, committed or intended against the State, which shall come to my Knowledge. And that all Persons being Quakers, and under the Circumstances above mentioned, shall make the following Affirmation, or depart out of the State: I, A. B. do solemnly and sincerely declare and affirm, that I will bear true Allegiance to the Independent State of North Carolina, and to the Powers and Authorities which are or may be established for the good Government thereof; and I do renounce any Allegiance to the present King of Great-Britain, his Heirs and Successors; and that I will disclose and make known to the Governor, some Member of the Council of State, or Justice of the Peace, all Treasons, Conspiracies, or Attempts, committed or intended against the same, which shall come to my knowledge. And the said Oath or Affirmation shall be taken and subscribed in open Court in the County where the Person or Persons taking the same, shall or do usually reside.

VI. And be it further enacted by the Authority aforesaid, That the County Court in each and every County, and every Justice of Peace in each respective County, shall have full Power to issue Citations against Persons coming within the above Description, as Officers, Merchants, Traders, Factors, Storekeepers, or Agents, and to demand Surety on Recognizance, if necessary, and to require their Attendance at the next ensuing Court to be held for the County; and if any Person so cited (due Proof being made thereof) shall fail or neglect to attend, or attending shall refuse to take the said Oath or Affirmation (as the Case may be) then the said Court shall and may have full Power and Authority to order such Person to depart out of this State to Europe or the West Indies, within Sixty Days, and may take Bond and Security, in the Name of the Governor, for the Benefit of the State, for faithful Compliance with such Order. And if any Person so ordered, shall fail or neglect to depart within the limited Time, such Bond shall be forfeited to the State, without good and sufficient Reason shewn to and approved of by the Governor and Council; and the Justices, or any of them, in the County wherein the Person so failing or neglecting to depart shall be found, shall and may cause him to be apprehended and brought before the Court of the County where the Order was made; and the said Court shall in such Case send the Person so offending, as speedily as may be out of the State, either to Europe or the West-Indies, at the Cost and Charges of such Offender. Provided nevertheless, That all and every such Person and Persons shall have

Liberty to sell and dispose of his or their Estates, and after satisfying all just Demands, to export the amount in Produce (Provisions and Naval Stores excepted) and may also nominate and appoint an Attorney or Attornies to sell and dispose of his or their Estates, for his or their Use and Benefit; but in Case any Real Estate belonging to any such Person, shall remain unsold for more than three Months next after the Owner thereof hath departed this State, the same shall be forfeited to and for the Use of the Public.

VII. And be it further Enacted by the Authority aforesaid, That if any Person so departing or sent off from this State, shall return to the same, then such Person shall be adjudged guilty of Treason against the State, and shall and may be proceeded against in like Manner as is herein directed in Cases of Treason.

VIII. And be it further enacted by the Authority aforesaid, That each and every Justice in each respective County may cite any Person or Persons to appear before the County Court where such Person or Persons usually reside, and take the aforesaid Oath or Affirmation; and in Case of Non-Attendance or Refusal, the said Court shall and may have full Power to compel such Person or Persons to leave the State, under the same Regulations herein mentioned in other Cases.

CHAPTER IV.

An Act Concerning Oaths.

I. Whereas lawful Oaths, for the Discovery of Truth, and establishing Right, are necessary, and highly conducive to the important Ends of good Government; and being most solemn Appeals to Almighty God, as the omniscient Witness of the Truth, just and omnipotent Avenger of Falsehood, such Oaths ought therefore to be taken and administered with the utmost Solemnity:

II. Be it therefore Enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That Judges, Justices of the Peace, and other Persons, who are or shall be empowered to administer Oaths, shall (except in the Cases in this Act excepted) require the Party to be sworn to lay his Hand upon the Holy Evangelists of Almighty God, in Token of his Engagement to speak the Truth, as he hopes to be saved in the Way and Method of Salvation pointed out in the blessed Volume, and in further Token, that if he should swerve from the Truth, he may justly be deprived of all the Blessing of the Gospel, and made liable to the Vengeance which he has imprecated on his own Head; and after repeating the Words So help Me God, shall kiss the Holy Gospels, as a Seal of Confirmation to the said Engagements.

III. And be it enacted by the Authority aforesaid, That in all Cases when any Judges, Justices of the Peace, or other Persons, are or shall be empowered to administer any Manner or Oath in this State, and the Person to be sworn shall be conscientiously scrupulous of taking a Book Oath in Manner aforesaid, and pray the Benefit of this Act, it shall and may be lawful for all such Judges, Justices, and other Persons, and they, and each of them, are hereby required to excuse such Person from laying Hands upon or touching the Holy Gospels; and the said Judges, Justices, and others, are hereby directed in such Case to administer the Oath required, in the following Manner, to-wit, The Party so conscientiously scrupulous, and praying the Benefit of this Act, shall stand with his right Hand lifted up towards Heaven, in Token of his solemn Appeal to the Supreme God, whose Dwelling is in the

highest Heavens, and also in Token, that if he should swerve from the Truth, he would draw down the Vengeance of Heaven upon his Head, and shall introduce the intended Oath with these Words, viz. I, A. B., do appeal to God, as a Witness of the Truth and Avenger of Falsehood, as I shall answer the same at the great Day of Judgment, when the Secrets of all Hearts shall be known, that, &c., as the Words of the Oath may be. And it is hereby declared, That an Oath thus administered and taken, with the right Hand lifted up, is and shall be a lawful Oath in this State; and such Oath shall be admitted and used in all Courts in this State where the same shall be requested as aforesaid, and shall be equally good and valid in Law, to all Intents and Purposes, as if the same Oath had been taken by the Party, having laid his Hand upon, and kised the Holy Gospels.

IV. And be it Enacted by the Authority aforesaid, That the solemn Affirmation of Quakers, Moravians, and Menonists, made in the Manner heretofore used and accustomed, shall be admitted as Evidence in civil Controversies in this State; and where other Persons are required to take an Oath or Oaths to the State, the said Quakers, Moravians and Menonists, shall make their solemn Affirmations in the Words of the said Oath or Oaths, beginning after the Word swear, or shall make such Affirmation as shall be hereafter provided for them by Law.

CHAPTER V.

An Act for the Punishment of such Persons as shall procure or commit any wilful Perjury.

I. Be it enacted by the General Assembly of the State of North-Carolina, and by the Authority of the same, That every Person who, at any Time after the tenth Day of May, shall unlawfully and corruptly procure or suborn any Witness or Witnesses, by Letters, Rewards, Promises, or by any other sinister and unlawful Labour or means whatsoever, to commit any wilful and corrupt Perjury, in any Matter or Cause whatsoever now depending, or which hereafter shall depend in Suit and Variance, by any Writ, Action, Bill, Complaint, Indictment or Information, in any wise touching or concerning any Crime or Offence, or touching or concerning any Lands, Tenements, or Hereditaments, or any Goods, Chattels, Debts Damages, or other Estate or Interest whatsoever, in any Court of Equity, Superior Court, Court of Appeals and Writs of Error, Court of Oyer and Terminer, Court of Admiralty, Inferior or County Court, or any Court of Record that shall be established in this State, or before any Commissioner or Commissioners authorised to take Depositions to be given in Evidence in any such Court, or who shall in the Manner, or by any the Means aforesaid, unlawfully and corruptly procure or suborn any Witness or Witnesses, which shall from and after the said tenth Day of May, be sworn to give Testimony for the Purpose of perpetuating the same, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall stand in the Pillory one Hour, have his or her right Ear nailed thereunto, and be further punished by Fine and Imprisonment, at the Discretion of the Court; and every such Offender shall be discredited, and disallowed forever to be sworn as a Witness in any of the Courts of Record, before Commissioners, or sworn to give Testimony for the Purpose of perpetuating the same as aforesaid.

II. And be it enacted by the Authority aforesaid, That every Person who shall after the said tenth Day of May, either by the Subornation, unlawful Procurement, sinister Persuasion, or Means of any other, or by his or her

own Act, Consent, or Agreement, wilfully and corruptly commit any Manner of wilful Perjury by his or her Deposition, in any of the Courts before mentioned, or when being examined before any Commissioner or Commissioners authorized to take Depositions to be given in Evidence in such Court, or when examined for the Purpose of Perpetuating Testimony, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall stand in the Pillory one Hour, having his or her Ears nailed during the whole Time, and at the Expiration of the said Hour, both Ears of the Offender shall be cut off and severed from the Head, leaving them nailed on the Pillory until the setting of the Sun; and the Offender shall be discredited, and disallowed forever to be sworn as a Witness in any Court in this State, before Commissioners, or for the Purpose of perpetuating Testimony.

III. And be it further enacted by the Authority aforesaid, That every Person who shall after the said tenth Day of May, in any of the Courts aforesaid, or when examined before any Commissioner or Commissioners, or for the Purpose of perpetuating Testimony, commit or make any false, wilful, corrupt Affirmation, in the Mode of Affirmation used, or that shall be used by the Quakers, Moravians, and Menonists, every such Offender of the same, being lawfully convicted in any Court having Cognizance thereof, shall suffer all the Pains, Disabilities, and Punishments, which by this Act are ordained for wilful corrupt Perjury; and also every Person who shall suborn, or unlawfully procure, any such false, wilful, and corrupt Affirmation, to be committed or made, shall suffer all the Pains, Disabilities, and Punishments, which by this Act are ordained for the unlawful Procurement and subornation of wiful Perjury.

CHAPTER VI.

An Act to prevent domestic Insurrections, and for other Purposes.

I. Whereas the evil and pernicious Practice of freeing Slaves in this State, ought at this alarming and critical Time to be guarded against by every friend and Wellwisher to his Country:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That no Negro or Mulatto Slave shall hereafter be set free, except for meritorious Services, to be adjudged of and allowed by the County Court, and Licence first had and obtained thereupon. And when any Slave is or shall be set free by his or her Master or Owner otherwise than is herein before directed, it shall and may be lawful for any Free holder in this State, to apprehend and take up such Slave, and deliver him or her to the Sheriff of the County, who, on receiving such Slave, shall give such Freeholder a Receipt for the same; and the Sheriff shall commit all such Slaves to the Gaol of the County, there to remain until the next Court to be held for such County; and the Court of the County shall order all such confined slaves to be sold during the Term to the highest Bidder.

III. Provided always, That the Sheriff, upon committing any such Slave or Slaves, shall at least five Days before such Sale, give Notice in Writing to the last Owner or Owners, or the reputed Owner or Owners of such Slave or Slaves, of the Time and Place of Sale, and of the Name and Names of such Slaves, to the End that such Owner or Owners may, if he or they think proper, make his or their Claim to the same; but if such Owner or Owners shall neglect or refuse to appear on the Day of Sale (due Proof of the Service of such Notice being made to the Satisfaction of the Court) such Owner

or Owners, so neglecting or refusing, shall be forever barred from making any Claim to such Slaves.

IV. And be it further enacted by the Authority aforesaid, That the neat Proceeds of the Money arising by such Sale shall be disposed of in the following Manner, that is to say, That one-fifth Part thereof shall be paid to the Takers up of such Negroes or Mulattoes, and that the remaining Part of such Money be paid into the Hands of the Public Treasurers, to defray the contingent Charges of Government, and to no other Intent, Use or Purpose, whatsoever.

V. And be it enacted by the Authority aforesaid, That if any Slave or Slaves shall hereafter be allowed by his or her Master, Mistress, or Overseer, or other Person having the Care of such Slave or Slaves, to hire out him or herself, such Slave may be taken up by any Magistrate or Freeholder, and kept to hard Labour, for the Use of the Poor of the County, for any Time not exceeding Twenty Days; any Law, Usage, or Custom, to the contrary notwithstanding.

CHAPTER VII.

An Act for the Encouragement of the Militia and Volunteers employed in prosecuting the present Indian War.

I. Whereas the vigorous prosecution of the present Indian War may much sooner put an end to the same; In order therefore to encourage and stir up an enterprising spirit among the Militia and Volunteers employed in the said War,

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that from and after the first day of June next, if peace shall not be made with the Cherokees before that time, and until peace shall be made, a Premium of fifteen Pounds for each prisoner, and a premium of ten pounds for each scalp, shall be paid out of the Treasury to the Captor being in the service of the State, on producing a prisoner or scalp, and making oath that the prisoner was taken by him after the said first day of June, or that the scalp was taken and fleeced off the Head of an Indian Man slain by himself, after the said first day of June.

III. And be it further enacted by the authority aforesaid, That a premium or reward of forty pounds for each scalp of an Indian Man, and a premium, or reward of Fifty Pounds, for producing an Indian Man Prisoner, be paid to any person in this State, not in the pay thereof who shall voluntarily undertake to make war upon the said Indians after the time aforesaid; Provided peace shall not before that time be made with the same Indians, and until peace shall be made, the Captors making oath as aforesaid, that such scalp or prisoner was taken by him after the said first day of June, and that the Indian so killed or taken was of the Nation of Indians commonly known by the name of the Cherokees; and that the scalp produced was actually taken from an Indian killed by the person claiming the same.

CHAPTER VIII.

An Act for the Appointment of Registers in the several Counties in this State.

I. Whereas it is absolutely necessary for the recording and preserving Deeds that Registers be appointed in the several Counties within this State;

II. Be it therefore enacted by the General Assembly of the State of North

Carolina, and by the authority of the same, that the Justices of the several Counties, and the District of Washington, in this State, have full power and are hereby required, at the first Court held in their several counties and on the second day of such Court, to nominate and appoint some proper person within their respective counties, to be a Register for the same; who shall enjoy the said office during good behavior.

III. And be it further enacted, That each public Register so chosen, shall within three months after he shall enter on his office, give Bond with two sufficient Securities to his Excellency the Governor for the time being, and his successors, in the sum of one thousand pounds, for the faithful discharge of his office; which said Bonds shall be recorded in the several Courts and lodged in the hands of the Clerks. And whoever shall officiate in the said office longer than three months without giving bond and security, as aforesaid, shall forfeit and pay the sum of Forty Pounds; one half to the Informer the other half to the County.

IV. And be it further Enacted by the authority aforesaid, That in case of the death, resignation or removal of any Register for misbehaviour in office in any County, that the Justices of the said County shall appoint another proper person to the Registers office in the same manner and under the foregoing regulations and restrictions.

CHAPTER IX.

An Act to empower the Justices of Bladen County to take into their Possession the Records of said County, now in Possession of Maturin Colville.

I. Whereas, it is represented by the Justices of Bladen County that Maturin Colville, heretofore Clerk of the same County, upon the appointment of Alfred Moore to that office in the year one thousand seven hundred and seventy four refused to deliver up to the Court the Records and other papers belonging to the County. That among the said records are many Wills, Indentures, and settlements of Estates which contain the only evidence of the property of great numbers of persons, particularly of orphans, and that on the Dockets are many suits yet undetermined, and many Judgments which remain unsatisfied, besides divers sums of money paid into the office, belonging to sundry persons, yet unaccounted for to the great injury of the Inhabitants of the said County and others.

II. In order therefore that the records may be restored to the proper office that the injured may be Redressed and that the obstinate and wilful brought to a sense of their Duty and a proper respect for the Law.

III. Be it enacted by the General Assembly of the State of North Carolina, That the Justices of the said County be appointed, and they or any three or more of them are hereby authorized and empowered to demand and receive of and from the said Maturin Colville, and of and from every other person or persons who are or may be in possession of the same, the Records and other papers of the said County and upon refusal or neglect to deliver the same, then the said Justices, or any three or more of them shall and may issue their warrant directed to the Sheriff and other, the officers of the same County, commanding him the said Sheriff to take with him such force as he may think necessary and to apprehend the said Maturin Colville and such other Person or Persons as may have the said Records, or any of them, in possession, and him or them commit to the common jail of the said County until the records shall be produced and delivered up, and also empowering the Sheriff and other officers of the said county to make diligent search in all

suspected places within the same County for the said Records and papers and for that purpose to break open doors and locks where they are suspected to be concealed.

IV. And be it further Enacted by the Authority aforesaid, That all fees and sums of money which may hereafter be paid into the Court of Bladen County, upon any suit depending or Judgment not satisfied on the Dockets, detained by the said Maturin Colville, as well such Fees and Monies which are due to him the said Maturin Colville as to others, shall be paid by the Clerk of the Court for the time being to the person or persons to whom the same shall appear to be due.

CHAPTER X.

An Act for the Relief of such Persons who have or may suffer by their Deeds Mesne Conveyances not being proved and registered within the Time heretofore appointed by Law.

I. Whereas many Persons, through Ignorance of the Law, have neglected to have their Deeds and Mesne Conveyances proved and registered according to the Directions of the several Acts of Assembly in such Case made and provided: For Remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That all Deeds and Mesne Conveyances of Lands, Tenements, and Hereditaments, not already registered, acknowledged or proved shall and may, within two Years after the passing of this Act, be acknowledged by the Grantor or Grantors, his or their Agents or Attorney, or proved by one or more of the subscribing Witnesses of the same, and tendered or delivered to the Registers of the Counties where such Lands, Tenements, or Hereditaments, are respectively situated; and all Deeds and Mesne Conveyances whatsoever, which shall be acknowledged or proved according to the Directions of this Act, though not within two Years after the Date of the respective Conveyances, shall be good and valid in Law, and shall enure and take Effect as fully and effectually to the Use and Behoof of the Grantees, their Heirs and Assigns, and those claiming under them, as if such Deeds and Conveyances were acknowledged or proved, and registered, agreeable to the directions of any Act of Assembly heretofore made.

CHAPTER XI.

An Act for establishing Fairs in the Town of Halifax, in Halifax County.

I. Be it Enacted by the General Assembly of the State of North Carolina, That a Fair shall and may be held in the Town of Halifax in the county aforesaid, on the first Thursday in November next, and that, after the present year two Fairs shall and may be annually held in the said town on the first Thursday in May, and the first Thursday in November, in every Year; each Fair to continue for three days, for the sale of every kind of Horses and Black cattle, sheep, hogs, pork, and all kinds of provisions, tobacco and every other natural production of the Country; and also for the sale of all and every sort of goods, wares and merchandise, whether foreign or manufactured in this State; and that on the said Fair days, and on three days next before, and three days next after each of the said Fairs, all persons coming to being at or going from the same, together with their Horses,

Cattle, or other Effects, intended for sale or purchased at the said Fair, shall be free and exempt from all arrests, attachments and Executions whatsoever; except for Capital Offences, Breaches of the Peace, or for Quarrels or controversies that may arise during the said time; in which cases process may be immediately issued, and proceedings thereupon had, in the same manner as if this act had never been made.

II. And in order to prevent Frauds and Imposition in the Sale of blooded Horses; Be it Enacted by the authority aforesaid, That the County Court of Halifax shall and may appoint a register for the said Fairs (and in case of the death, absence, refusal of to act, or misconduct of such Register, may appoint de novo) who shall take an oath for the faithful discharge of his Duty; And every person who shall bring a blooded Horse, Mare, or Gelding, to the said Fair or any of them, for sale, shall deliver, in writing, to the said Register, a Certificate under his or her hand, of the owner and Vender's Name, and the colour, age, and blood, of such Horse, Mare, or Gelding, all which shall be entered by the said Register in a Book to be by him kept for that purpose, and he shall safely keep all such certificates, that recourse may be had to the originals if necessary. And if any person or persons, shall sell or offer for sale, any blooded horses, mares, or Geldings, at the said town of Halifax during the time of the said Fairs, without first delivering to the Register a Certificate, as aforesaid, every person so offending shall forfeit and pay the sum of Ten Pounds, one half to the Use of the informer, the other half to the use of the purchaser, where an actual sale has been made, but where there has been no sale, the whole to the use of the informer, to be recovered on Complaint or Information as is herein after directed.

III. And if any Owner or Vender of any Blooded Horse, Mare, or Gelding, at the said Fairs, shall wilfully deliver in to the Register a false Certificate of the age or blood of such Horse, Mare or Gelding, and shall sell the same, such Owner or Vender on proof made, shall forfeit and pay the sum of ten pounds, to the use of the purchaser, to be recovered on complaint or Information as is herein after directed; And the said Owner or Vender, so convicted, shall never after be permitted to sell any blooded Horse, Mare, or Gelding at any of the said Fairs.

IV. And for the tryal of complaints & Information, in the cases above mentioned, and also for the tryal of controversies and disputed bargains arising at the said Fair; Be it Enacted by the Authority aforesaid, That the County Court aforementioned shall and May appoint three Judges (and in case of death or refusal to act of the said Judges, or either of them, may appoint de novo) either of whom may on application, issue citations and subpoenas, and the said Judges, or any two of them shall and may hear and determine, instanter, in all such cases; Provided, the demand or disputed difference in a bargain, does not exceed the value of ten pounds; and shall and may issue executions, and appoint an officer, or officers, to execute the same.

V. And be it further enacted by the authority aforesaid, that all & every person & persons, shall & may have recourse to the Register Book, and the Register shall & may receive for entering every horse, 8d.; for every search, 8d; and for a copy of a certificate, 8d; and every Officer appointed by the Judges aforesaid to serve process, shall and may receive for serving a citation or summons, 2s 8d, an execution, 5s 4d, and 10 p. Cent commissions on sales.

VI. This Act shall continue and be in force for two years from the 20th day of May next, and from thence to the end of the next session of General Assembly.

CHAPTER XII.

An Act for enlarging the Time of saving Lots in the Town of Windsor, in Bertie County.

I. Whereas, from the impossibility of securing nails and other necessary materials for building as well as from many other unavoidable hindrances occasioned by the present contest with Great Britain, it hath been put entirely out of the power of the Inhabitants of the Town of Windsor in Bertie County to compleat their Buildings on their respective Lots, within the Time limited by Law,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that every Lot in the said Town on which a house shall be built of the dimensions mentioned in an Act of Assembly entitled "An Act for establishing a Town on the Land of William Gray on Cushy River in Bertie County" or other improvements made thereon, which shall be deemed by the Directors or Commissioners of the said town equal thereto, within three years after the passing of this Act, and also every Lot therein which shall be hereafter sold or conveyed by the Directors or Commissioners of the said Town on which such house shall be erected and built, or other Improvements made which shall be deemed by the Directors or Commissioners of the said Town equal thereto, within the space of two years after the date of the Conveyance executed for the same shall and is hereby declared to be vested in the Grantee thereof, his heirs and assigns in Fee Simple; any Thing in the said Act contained to the contrary notwithstanding.

CHAPTER XIII.

An Act for appointing Commissioners for building a Court-House, Prison, and Stocks for the County of Tryon.

I. Whereas the Commissioners heretofore by Act of Assembly appointed for building a Court House, Prison and Stocks for the said County of Tryon, have failed to discharge the Trust reposed in them;

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that William Moore, John Walker, Charles McLean, John Hill, Christian Carpenter and James White, be and are hereby appointed Commissioners for the purpose aforesaid and they or a majority of them are hereby impowered and required to agree and contract with workmen for building a Court House, Prison and Stocks, for the use of the said County at such place as they shall think most convenient on that Tract of Land purchased by the late Commissioners for that purpose and cause the same to be compleated within the term of two years.

III. And be it further enacted, by the authority aforesaid, that the said Commissioners herein named shall have and are hereby declared to have full power and authority to demand, sue for, recover and receive of and from the late sheriffs of said County, or other persons, in whose hands the same may be lodged, all and every sum and sums of money which have been laid as a Tax or Taxes on the Inhabitants of said County for the purpose aforesaid, for which the Sheriff or other Persons, or any of them are liable and in case of failure or neglect in paying the said monies to the Commissioners aforesaid, by the said Sheriffs other persons, or any of them; he or they so failing or neglecting shall be liable to the same penalties and the same mode of recovery shall be had against him or them, as by law shall or may

be had against sheriffs who neglect or refuse to account for & pay public Taxes.

IV. And whereas a certain tax was laid on the inhabitants of said County by the Justices thereof in virtue of an Act of Assembly passed in the year of our Lord one thousand seven hundred and seventy four, which tax hath not been collected, no officer having been appointed to receive the same.

V. Be it therefore enacted by the authority aforesaid, That the Justices of the said County of Tryon shall have and they are hereby declared to have full power and authority to enforce the said Tax or reverse it, and by another Tax to compleat the Building aforesaid; which Tax laid or enforced by virtue of this Act, shall be collected and accounted for by the Sheriff of the said County and on neglect of the Sheriff to account for and pay the same to the commissioners herein before named he shall be liable to the same pains and penalties, and the same mode of recovery shall be had against him, as by law may be had against Sheriffs who neglect or refuse to account for and pay public taxes.

CHAPTER XIV.

An Act for appointing Commissioners to finish the building of a Court-House, Prison and Stocks in the County of Guilford.

I. Whereas the public buildings for the County of Guilford are not yet finished on account of the tax levied for that purpose not being all collected by reason of the Courts of Justice being discontinued; for Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That Ralph Gorrells, Robert Lindsey, John Collier, Alexander Caldwell, and Charles Bruce, Esquires, be and they are hereby appointed Commissioners for the purpose aforesaid, and they or a majority of them, are hereby impowered and required to agree and contract with a Workman or Workmen for finishing the Court House, Prison and Stocks for the said County.

III. And be it further Enacted by the Authority aforesaid, that the said Commissioners herein named shall have and they are hereby declared to have full power and authority to demand of and from the late Sheriffs of said County or other persons in whose hands the same may be Lodged all and every sum or sums of money, which have been laid as a tax or taxes on the Inhabitants of said County for the purpose aforesaid, for which the Sheriff or other persons, or any of them are liable, and in case of failure or neglect in paying the said monies to the Commissioners aforesaid, by the said Sheriffs, or other persons or any of them, he or they so failing or neglecting, shall be liable to the same Penalties and the same Mode of Recovery shall be had against him or them as by Law shall or may be had against Sheriffs who neglect or refuse to account for and pay public Taxes.

IV. And whereas a certain Tax was laid on the Inhabitants of said County by an Act of Assembly passed in the Year of our Lord one thousand seven hundred and seventy, and two shillings of the said Tax not being collected;

V. Be it therefore enacted by the authority aforesaid, That a Poll Tax of two shillings be laid on each taxable person in the said County of Guilford for one year to finish and Compleat the said Buildings which tax shall be collected and accounted for by the Sheriff of the said County and on neglect of the Sheriff to account for and pay the same to the Commissioners hereinbefore named he shall be liable to the same Pains and Penalties, and the same mode of recovery shall be had against him as by Law may be had

against Sheriffs who neglect to account for and pay public taxes; Provided nevertheless, that any person who has paid the aforesaid two shillings poll tax for the year one thousand seven hundred and seventy-three shall be exempted from paying the same; anything herein contained to the contrary notwithstanding.

CHAPTER XV.

An Act for establishing a Town on the Lands of John Smith, and other Purposes.

I. Whereas, it is represented to this General Assembly, that a Town on the Lands of John Smith on the North Side of Neuse River, in Johnston County where the Court House and other publick buildings now stand, would tend to the promotion of commerce and be greatly for the ease and convenience of the Inhabitants of that County in attending Courts and other publick Business, and the said John Smith having signified, his free assent by the certificate under his hand to have one hundred acres of said land, laid off for a Town and fifty for Commons.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that the Directors or Trustees hereafter appointed, or the majority of them, shall as soon as may be, after the passing of this Act, cause one hundred Acres to be laid off in lotts of half Acre each, with convenient Streets, Lanes, and Alleys, which Lots as laid off according to the directions of this Act are hereby constituted and erected, a town, and shall be called by the name of Smithfield.

III. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, Benjamin Williams, William Bryan, Samuel Smith, Jun., John Rand, John Smith, John Stevens, and Lewis Bryan, Esquires, be, and they, and every of them, are hereby constituted Directors and Trustees for the designing, building, and carrying on the said Town, and they shall stand seized of an indefeasible Estate in Fee-Simple, of the said One Hundred and Fifty Acres of Land, to and for the Uses, Intents and Purposes, hereby expressed and declared; and they, or a Majority of them, shall have full Power and Authority to meet as often as they shall think necessary, and cause a Plan thereof to be made, and therein to insert a Mark or Number to each Lot. As soon as the said Town shall be laid off as aforesaid, they, and each of them, shall have Power to take Subscriptions for the said Lots of such Persons as are willing to subscribe for them; and when the said Directors have taken Subscriptions for Eighty Lots or upwards, they shall appoint a Day, and give public Notice to the Subscribers of the Day and Place appointed for the drawing of the said Lots, which shall be done by Ballot, in a fair and open Manner, by the Direction, and in the Presence of the Majority of the said Directors at least; and such Subscribers shall be intitled to the Lot or Lots which shall be drawn for him, and correspond with the Mark or Number contained in the Plan of the said Town. And the said Directors, or the Majority of them, shall make and execute Deeds for granting and conveying the said One Hundred Acres of Land, in Half Acres as aforesaid, to the Subscribers, their Heirs and Assigns, for ever, and also to every other Person who shall purchase any other Lot or Lots in the said Town, at the Cost and Charges of the said Grantee to whom the said Lot or Lots shall be conveyed; and every Person claiming any Lot or Lots by Virtue of any such Conveyance, shall and may hold and enjoy the same in Fee Simple. Provided nevertheless, That every Grantee of any Lot or Lots in

the said Town so conveyed, shall within Three Years next after the Date of such Conveyance for the same, erect, build, and finish, on each Lot so conveyed, one well framed or Brick House, Sixteen Feet square at least, and Ten Feet Pitch in the Clear, or Proportionable to such Dimensions, if such Grantee shall have two or more Lots contiguous; and if the Owner of any Lot or Lots shall fail to comply with the Directions in this Act prescribed for building and finishing a House thereon, then such Lot or Lots upon which such house shall not be built and finished as aforesaid, shall be re-vested in the said Directors; and the said Directors, or a Majority of them, may, and they are hereby impowered and authorized to sell such Lot or Lots for the best Price that can be had to any Person applying for the same, and grant and convey such Lot or Lots to such Person or Persons, under the like Rules, Regulations, and Restrictions, as the same was or were formerly granted, and the Money arising from such Sale be applied by the said Directors, or a Majority of them, for the Benefit and Improvement of said Town.

IV. And be it further Enacted, by the Authority aforesaid, That each respective Subscriber who shall subscribe for any Lot or Lots in the said Town, shall within one Month after it shall be ascertained to whom each of the said Lots doth belong, in Manner herein before mentioned, pay and satisfy to the said Directors, or one of them, the Sum of Fifty Shillings for each Lot by him subscribed for; and in Case of the Neglect or Refusal of any Subscriber to pay the said Sum, the said Directors shall and may commence and prosecute a Suit for the same, and therein shall recover Judgment, with Costs of Suit. And the said Directors shall, as soon as they receive the said Money, pay and satisfy to the said John Smith, his Heirs or Assigns, the Sum of Forty Shillings for each Lot, in full Satisfaction for the said Land; and the other Ten Shillings shall be applied towards defraying the Expences of laying off and improving the said Town, as a Majority of the Directors shall think proper.

V. And for continuing the Succession of the Directors until the said Town shall be incorporated, Be it further Enacted, by the Authority aforesaid, That in Case of the Death, Refusal to act, or Removal out of the County, of any of the said Directors, the surviving Directors, or a Majority of them, shall assemble, and are hereby impowered, from Time to Time, by Instrument of Writing, under their respective Hands and Seals, to nominate some other Person, being a Freeholder of the said Town, in the Place of him so dying, refusing to act, or removing out of the County; which new Director so nominated and appointed, shall from thenceforth have the like Power and Authority in all Things in the Matters herein contained, as if he had been expressly named and appointed in and by this Act.

V. Provided nevertheless, That the said John Smith shall have to his own Life a Reserve of Seven Lots, exclusive of the said One Hundred Acres, to secure his Dwelling House and other Houses belonging to him now on the said Land.

CHAPTER XVI.

An Act for the Regulation of the Town of Hillsborough.

I. Whereas the erecting and establishing the Town of Hillsborough hath been found highly beneficial and convenient to the Western Parts of this State, and the same being a healthy pleasant Situation, and convenient to inland Trade:

II. Be it Enacted by the General Assembly of the State of North-Carolina, and it is hereby Enacted, That the Charter of the Town of Hillsborough be and remain, with all and every Privlege therein mentioned, whole and entire, to the Use and Benefit of the present and future Inhabitants of the said Town of Hillsborough.

III. And be it Enacted, by the Authority aforesaid, That William Johnston, James Hogg, John Sheels, William Courtney, and James Watson, Esquires, be, and are hereby appointed Commissioners of the said Town; and they, or a Majority of them, are hereby impowered to bring the former Commissioners to account for any Money that may remain in their Hands; and the Commissioners above mentioned, or a Majority of them, are hereby impowered to lay out such Money agreeable to the Directions hereafter mentioned for laying out the Town Taxes.

IV. And be it Enacted, by the Authority aforesaid, That from and after the passing of this Act the Commissioners, or a Majority of them, shall, and they are hereby required, within Twenty Days after the First Tuesday in June in every Year, to lay such Taxes as they shall judge necessary, not exceeding Twelve Shillings and Six Pence per Poll, on all the taxable Persons in the said Town; which Tax shall be collected by Warrant under the Hands and Seals of the Commissioners, or a Majority of them, directed to any Person they shall appoint to collect the same, returnable at such Time as shall be therein mentioned; which said Collector appointed as aforesaid, is hereby impowered to collect and make Distress for the same, in like Manner as other Collectors of Public or County Taxes shall be impowered by Law; and the Money arising therefrom, after deducting Five per Cent. Commissions, shall by him be paid into the Hands of the Commissioners, or a Majority of them, to be by them applied and laid out in clearing and repairing the Public Streets, Lanes, and Allies, and in any other Public Work they may judge necessary for the Benefit of the said Town.

V. And be it further Enacted, by the Authority aforesaid, That the Inhabitants of the said Town shall, and they are hereby required, to give in a List of all the taxable Persons in each of their respective Families, on Oath or Affirmation, to some one of the Commissioners aforesaid, between the First and Second Tuesdays in June in every Year, under the Penalty of Three Pounds for every Neglect; to be recovered by Warrant under the Hands and Seals of the Commissioners of the said Town, or the Majority of them, to be applied to the Public Stock of the said Town.

VI. And be it Enacted, by the Authority aforesaid, That all Persons residing Three Months in the said Town next before the First Tuesday in June in every Year, shall afterwards be subject to pay Taxes in the said Town.

VII. And be it further Enacted, by the Authority aforesaid, That no Person shall after the passing of this Act be obliged to work on the Streets or other Public Places in the said Town, or to pay any other Town Tax but such as is herein before mentioned.

VIII. And be it further Enacted, by the Authority aforesaid, That no Inhabitant of the said Town shall, on any Pretence whatsoever, keep any Hog or Hogs, Shoat or Pig, or any Geese, running at large within the Bounds of the said Town, on Penalty of forfeiting such Hog or Hogs, Shoat or Pig, or Geese, and paying the Sum of Twenty Shillings (or Two and One Half Dollars) to the Party aggrieved; and further, that it shall and may be lawful for any Person whatever after the Tenth Day of June next to shoot, kill, or otherwise destroy, such Hog or Hogs, Shoat or Pig, or Geese, so running at large within the said Town.

IX. And to prevent Dangers arising by Fire, Be it Enacted, by the

Authority aforesaid, That each and every Householder within the said Town of Hillsborough shall procure, or cause to be procured, two sufficient Leather Buckets, and a Ladder, and keep the same in continual Readiness against any Alarm that may be given, occasioned by the breaking out of Fire at any Time in the said Town, on Penalty of paying Twenty Shillings.

X. And whereas the too frequent Custom of immoderate riding of horses in and through the said Town is found to have a very dangerous Tendency: To prevent which, Be it Enacted, by the Authority aforesaid, That no Person or Persons from and after the passing of this Act, on any Pretence whatsoever, shall immoderately ride or strain any Horse or Mare in or through the said Town, or any of the Streets thereof, on Penalty of forfeiting and paying the Sum of Five Shillings for each and every Offence; to be recovered by Warrant under the Hand and Seal of any Justice of the Peace of the said County

XI. And be it Enacted, by the Authority aforesaid, That from and after the passing of this Act, the Inhabitants of the Town of Hillsborough are hereby required to meet at the Court-House in said Town on the First Tuesday in September in every Year, then and there to choose Five Commissioners for the said Town; which shall be elected by Ballot, under the Inspection of Two Persons, to be chose by the Freeholders of said Town for that Purpose.

XII. And be it Enacted, by the Authority aforesaid, That as soon as those elected are qualified to proceed on Business, that the former Commissioners are hereby required to give up what Money remains in their Hands of the Town Taxes, and render an Account of their Proceedings to the new Commissioners; and the Commissioners for said Town, from and after the passing of this Act, are required to keep the Town Common open for the Benefit of the Town.

XIII. And be it further Enacted, by the Authority aforesaid, That the Sixth, Seventh and Fifteenth Sections of an Act, intituled, An Act to amend an Act, for establishing a Town on the Land formerly granted to William Churton, lying on the North side the River Enoe, in the County of Orange, passed at New Bern the Third Day of November, One Thousand Seven Hundred and Sixty-Six, shall be and remain in full Force and Virtue.

CHAPTER XVII.

An Act for establishing a new County between Hillsborough and the Virginia Line, by erecting the Northern Part of Orange County into a distinct County, by the Name of Caswell.

I. Whereas the large Extent of the County of Orange renders the Attendance of the Inhabitants of the Northern Part to do Public Duties extremely difficult and expensive: For Remedy whereof.

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That from and after the First Day of June next, the Inhabitants of the County of Orange lying to the North of a Point Twelve Miles due North of Hillsborough, and bounded as follows, to-wit, Beginning at the aforesaid Point, running thence due East to Granville County Line, thence North along Granville County Line to the Virginia Line, thence West along the Virginia Line to Guilford County Line, thence South along Guilford County Line to a Point due West of the Beginning, thence due East to the Beginning, be erected into a distinct County, by the Name of Caswell County.

III. And be it further Enacted, by the Authority aforesaid, That John Butler, John Lee, and James Sanders, Esquires, be, and they are hereby appointed Commissioners, and they are hereby impowered and required to run the said dividing Lines, agreeable to the Directions of this Act; which said Lines when run by the Commissioners, or a Majority of them, shall be by them entered on Record in the Court of each of the said Counties, and shall hereafter be deemed and taken to be the dividing lines between the said Counties of Orange and Caswell; which said Commissioners shall be paid for their Trouble and necessary Expences for running the said Lines, to be paid out of the County Tax.

IV. And for the due Administration of Justice, Be it Enacted by the Authority aforesaid, That Justices of the Peace shall be nominated and commissioned and Courts held, in the said County of Caswell, in the same Manner, and with the same Powers and Jurisdiction, as Justices and Courts in the other Counties of this State; and the Courts of the said County of Caswell shall be held on the second Tuesday in June, September, December, and March, in every Year.

V. And be it Enacted, by the Authority aforesaid, That the said Justices to be appointed for the County of Caswell aforesaid, are hereby directed to meet on the second Tuesday in June next at the House of Thomas Douglass, and take the Oaths appointed for their Qualification; and the Justices for the said County of Caswell, or any Three of them, after being so qualified, shall hold a Court at the Place and Times before appointed; and every of them, at all Times during their Continuance in Office, as well within their Courts as without, shall have and exercise the same Power and Authority, and be subject to the same Forfeitures and Penalties, as other Justices of the Peace within the several Counties in this State are liable to.

VI. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of Two Shillings be laid on each taxable Person in the said County of Caswell for Two Years, for building a Court-House, Prison and Stocks, therein; which Tax shall be collected by the Sheriff of the County aforesaid, at such Times, and in the same Manner as other Taxes are collected, and shall be paid to the Person or Persons who shall be impowered to receive the same; and if any Surplus should arise from the said Tax, that it shall be paid by the said Commissioners to the Court of the said County, to be by them applied towards defraying the contingent Charges of the said County.

VII. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of Orange County, as the said County stands undivided, to make Distress for any Taxes, Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said County on the First Day of June next, in the same Maner as by Law the said Sheriff might or could do if the said Counties had remained undivided, and the said Taxes shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained to the contrary, notwithstanding.

VIII. And to the End that no Action commenced in Orange County be defeated by the Division aforesaid, Be it Enacted, by the Authority aforesaid, That where any Action is already commenced in Orange County, and the Parties or Evidences shall be Inhabitants of Caswell County, all subsequent Process against such Parties or Witnesses shall be directed to be executed by the Sheriff of Caswell County, to the End and final Determination of said Causes; any Law, Usage or Custom, to the contrary, notwithstanding.

IX. And be it further Enacted, by the Authority aforesaid, That James Sanders, William Moore, John Payne, Thomas Harrison, and John Atkinson,

Esquires, or a Majority of them, be, and they are hereby appointed Commissioners, to lay off and appoint the Place where the Court-House, Prison, and Stocks, for the Use of the said County of Caswell, shall be built, and there to erect, or cause the same to be erected.

X. And be it Enacted, by the Authority aforesaid, That the Sheriff of the said County of Caswell is hereby impowered and directed to account for and pay the Money by him collected for the Purpose of building the aforesaid Court-House, Prison, and Stocks, to the Commissioners aforesaid, after deducting his Commissions for collecting the same.

XI. And be it Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said County of Caswell shall continue to be considered as Part of the District of Hillsborough.

XII. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or a Majority of them, herein before appointed, are hereby impowered and directed to employ Workmen to build the Court House, Prison, and Stocks, in the said County, for the Use thereof; and the said Court, and all Causes, Matters, and Things, in the same depending, after such Court-House shall be built, shall stand adjourned from the Place where the Court shall have been held to the said Court-House.

CHAPTER XVIII.

An Act for dividing the County of Pasquotank, and establishing that Part thereof on the North East Side of Pasquotank River a County, by the Name of Cambden.

I. Whereas by Reason of the Width of Pasquotank River, and the Difficulty of passing the same, especially in boisterous Weather, it is extremely inconvenient for the Inhabitants who live on the North East side of said River to attend Courts and other Public Business in the County of Pasquotank: For Remedy whereof,

II. Be it therefore Enacted, by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all that part of Pasquotank County lying on the North East side of the said River, and of a Line to be run from the Head of the said River a North West Course to the Virginia Line, shall be, and is hereby established a County, by the Name of Cambden.

III. And for the due administration of Justice, Be it Enacted, by the Authority aforesaid, That Justices of the Peace shall be nominated and commissioned, and Courts held, in the said County of Cambden, in the same Manner, and with the same Powers and Jurisdiction, as Justices and Courts in the other Counties of this State; and the Courts of the said County of Cambden shall be held on the second Tuesday in July, October, January, and April, in every Year.

IV. And be it Enacted, by the Authority aforesaid, that the said Justices to be appointed for the County of Cambden aforesaid, are hereby directed to meet on the second Tuesday in July next at the House of Joseph Jones, and take the Oaths appointed for their Qualification; and the Justices for the said County of Cambden, or any three of them, after being so qualified, shall hold a Court at the Place and Times herein before appointed; and every of them, at all Times during their Continuance in Office, as well within their Courts as without, shall have and exercise the same Power and Authority, and be subjected to the same Forfeitures and Penalties, as other Justices of the Peace within the several Counties in this State are liable to.

V. And be it further Enacted, by the Authority aforesaid, That a Poll Tax of Two Shillings and Eight Pence be laid on each taxable Person in the said County of Cambden for three Years, for building a Court-House, Prison and Stocks, therein; which Tax shall be collected by the Sheriff of the County aforesaid, at such Times, and in the same Manner as other Taxes are collected, and shall be paid to the Person or Persons who shall be impowered to receive the same.

VI. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff or Parish Collector of Pasquotank County, as the said County stands undivided to make Distress for any Taxes, Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said County on the second Tuesday of July next, in the same Manner as by Law the said Sheriff or Parish Collector might or could do, if the said County had remained undivided, and the said Taxes shall be collected and accounted for in the same Manner as if this Act had never been made; any Thing herein contained to the contrary, notwithstanding.

VII. And to the End that no Action, or Suit of any Kind, commenced in Pasquotank County, be defeated by the Division aforesaid; Be it Enacted by the Authority aforesaid, That where any Action or Suit is already commenced in the said County of Pasquotank, and the Parties or any of them, shall be Inhabitants of Cambden County such Action or Suit shall be proceeded on by the Court in which the same was commenced, to the End and final Determination thereof; any Law or Usage, to the contrary, notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That Joseph Jones, Lemuel Sawyer, Isaac Gregory, Demsey Burgess, and Caleb Grandy, Esquires, or a Majority of them, be, and they are hereby appointed Commissioners to lay off and appoint the Place where the Court-House, Prison, and Stocks, for the Use of the said County of Cambden, shall be built, and there to erect, or cause the same to be erected.

IX. And be it Enacted, by the Authority aforesaid, That the Sheriff of the said County of Cambden is hereby impowered and directed to account for and pay the Money by him collected for the Purpose of building the aforesaid Court-House, Prison, and Stocks, to the Commissioners aforesaid, after deducting his Commissions for collecting the same.

X. And be it Enacted, by the Authority aforesaid, That from and after the passing of this Act, the said County of Cambden shall continue to be considered as Part of the District of Edenton.

XI. And be it further Enacted, by the Authority aforesaid, That the Commissioners, or a Majority of them herein before appointed are hereby impowered and directed to employ Workmen to build the Court-House, Prison, and Stocks, in the said County, for the Use thereof; and the said Court, and all Causes, Matters, and Things, in the same depending, after such Court-House shall be built, shall stand adjourned from the Place where the Court shall have been held to the said Court-House.

XII. Be it further Enacted, by the Authority aforesaid, That the Justices of the Court of the said County of Cambden shall have Power to call the Commissioners to erect a Court-House, Prison, and Stocks, to account for the due Application of whatever Monies they may receive for the Purposes mentioned, and if there should be any surplus, apply the same towards defraying the Contingencies of the County. And whenever it shall become necessary to run the North West Line from the Head of Pasquotank River to the Virginia Line, the Justices of the Courts of Cambden and Pasquotank shall appoint one Commissioner from each of the said Counties to run the said Line, and lay a Tax for defraying the Charges thereof; which Line when

run, shall be recorded in the Court of each of the said Counties of Cambden and Pasquotank, and shall from thenceforward be deemed the dividing Line between the said Counties.

XIII. And be it Enacted, by the Authority aforesaid, That the County of Cambden shall be intitled to the same Privileges and Immunities as the other Counties in this State are intitled to.

CHAPTER XIX.

An Act for dividing Rowan County, and other Purposes therein mentioned.

I. Whereas the large extent of the County of Rowan renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts and general Elections, and other Public Meetings appointed therein;

II. Be it therefore Enacted, by the General Assembly of the State of North-Carolina, and by the Authority of the same, That from and after the First Day of June next the said County of Rowan be divided by a Line, beginning at the Catawba River, on the Line between Rowan and Tryon Counties; thence running up the Meanders of said River to the North End of an Island, known by the name of the Three Cornered Island; thence North to the Ridge that divides the Yadkin and Catawba Waters; then Westerly along the Ridge to the Mountain which divides the Eastern and Western Waters, commonly known by the Name of the Blue Mountain. And that all that Part of the late County of Rowan which lies to the East of the said dividing Line, shall continue and remain a distinct County, by the Name of Rowan; and all that other Part of the said County of Rowan which lies West and South of the said dividing Line, shall thenceforth be erected into a new and distinct County, by the Name of Burke.

III. And for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That a Court for the said County of Rowan shall be constantly held by the Justices thereof at the Court-House in Salisbury, on the first Tuesdays in May, August, November, and February, in each Year; and also that a Court for the said County of Burke shall be constantly held by the Justices thereof on the fourth Tuesdays of July, October, January and April, in every Year. And the Justices for the said county of Burke are hereby authorized and impowered to hold the first Court in the same at the House of Edward Smith on the fourth Tuesday of July, and all subsequent Courts for the same County on the Days above appointed for holding Courts therein, at any Place to which the said Justices shall from Court to Court adjourn themselves, until a Court-House shall be built for the said County of Burke; and then all Causes, Matters, and Things, depending in said Court, and all Manner of Process returnable to the same, shall be adjourned to such Court-House. And all Courts held in and for the said County of Burke, shall be held by Commission to the Justices, in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Power and Jurisdiction, as are or shall be prescribed for other Courts held for the several Counties in this State.

IV. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff of the said County of Rowan, as the same stands now undivided, to make Distress for any Levies, Fees, or other Dues, that shall be due from the Inhabitants of the said County on the First Day of June, in the same Manner as by Law the said Sheriff could or might have done if the said County had remained undivided; and the said Levies, Fees, and other Dues, shall be collected and

accounted for in the same Manner as if this Act had never been made, any Thing herein contained to the contrary, notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That after the First Day of June the said County of Burke shall be, continue, and remain, Part of the District of the Superior Court of Justice usually held for the District of Salisbury; and the Sheriff of the said County of Burke shall from Time to Time account for and pay to the Public Treasurer of the Southern District of this State for the Time being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the like Pains and Penalties, as other Sheriffs.

VI. And be it further Enacted, by the Authority aforesaid, That William Sharp, John Harding, and John Perkins, Esquires, be appointed Commissioners, and they are hereby impowered and required to run the said dividing Lines between the Counties of Rowan and Burke, agreeable to the Directions of this Act; which said Lines when run by the Commissioners, or a Majority of them, shall be by them entered on Record in the Court of each of the said Counties, and shall hereafter be deemed and taken to be the dividing Lines between the said Counties of Rowan and Burke.

VII. And be it further Enacted, by the Authority aforesaid, That Christopher Beekman, Charles McDowell, George Cathey, Hugh Brevard, George Welfong, James Davidson, and John Conelly, the Survivor or Survivors of them, be, and they are hereby impowered and directed to agree and contract with Workmen for erecting and building a Court House, Prison, and Stocks, for the Use of the said County of Burke, at such Place as they, or a Majority of them, or their Survivors, shall agree upon.

VIII. And for reimbursing the said Commissioners the Money they shall expend in erecting the said Buildings, Be it further Enacted, by the Authority aforesaid, That a Poll Tax of Two Shillings, current Money of the State, per Annum, shall be levied on each taxable Person in the said County of Burke, for two Years next after the First Day of June; and that all Persons who shall neglect to pay the said Tax till after the Tenth Day of March in each Year, shall be thereafter liable to the same Distress as for non-Payment of Public Taxes. And the Sheriff of the said County is hereby required and directed, on or before the First Day of July, in the said Years respectively, to account for and pay the Money so by him collected to the Commissioners aforesaid, after deducting Eight per Cent. for his Trouble in collecting the same; and in Case of Failure or Neglect therein by the said Sheriff, he shall be liable to the same Penalties as by Law may be had against Sheriffs who neglect or refuse to account for and pay any Public Taxes.

IX. And for defraying the Charges of running the said Lines between the Counties of Rowan and Burke, Be it Enacted, by the Authority aforesaid, That the Inferior Court of the County of Burke shall lay a sufficient Poll Tax on the Inhabitants of their said County (which shall be levied in the same Manner as other Poll Taxes) to pay and satisfy the said Commissioners for their Charge and Trouble in running the aforesaid Lines.

X. And whereas the Number of Jurors to serve at the Superior Court for the District of Salisbury, for the County of Rowan, was formerly Twelve; Be it Enacted, by the Authority aforesaid, That the Justices of the said County of Rowan shall for the future continue to appoint Six Freeholders to serve as Grand Jurors, and Six Freeholders to serve as Petit Jurors, at the said Superior Court of Salisbury.

XI. And be it further Enacted, by the Authority aforesaid, That the Justices of the Inferior Court of Burke County shall, and they are hereby di-

rected, before every Superior Court held for the District of Salisbury aforesaid, to nominate and appoint Six Freeholders to serve as Grand and Petit Jurors at such Superior Court; a List of which Jurors so nominated shall be delivered by the Clerk of such Court to the Sheriff, who shall, and is hereby required to summon the Persons so nominated to serve as Jurymen at the said Superior Court; which Jurymen so nominated, shall have and receive the same allowance, and shall be under the same Rules, Fines, and Restrictions, as other Jurymen in the respective Counties in this State.

XII. And be it further Enacted, by the Authority aforesaid, That the said County of Burke shall be intitled to send the same Number of Members to represent said County in General Assembly, as other Counties in this State are intitled to.

CHAPTER XX.

An Act for incorporating the President and Trustees of Liberty Hall, in the County of Mecklenburg.

I. Whereas the proper Education of Youth in this infant Country is highly necessary, and would answer the most valuable and beneficial Purposes to this State, and the good People thereof; and whereas a very promising Experiment hath been made at a Seminary in the County of Mecklenburg, and a Number of Youths there taught have made great Advancements in the Knowledge of Learned Languages, and in the Rudiments of the Arts and Sciences, in the Course of a regular and finished Education, which they have since compleated at various Colleges in distant Parts of America; and whereas the Seminary aforesaid, and the several Teachers who have successively taught and presided therein, have hitherto been almost wholly supported by private Subscriptions: In order therefore that the said Subscriptions and other Gratuities may be legally possessed and duly applied, and the said Seminary, by the Name of Liberty Hall, may become more extensively and generally useful, for the Encouragement of liberal Knowledge in Languages, Arts and Sciences, and for diffusing the great Advantages of Education upon more liberal, easy, and generous Terms;

II. Be it Enacted, by the General Assembly of the State of North Carolina, and by the Authority of the same, That the said Seminary shall be, and it is hereby declared to be an Academy, by the Name of Liberty Hall.

III. And be it further Enacted, by the Authority aforesaid, That Isaac Alexander, President, and Messrs. Thomas Polk, Thomas Neal, Abraham Alexander, Waightstill Avery, Ephraim Brevard, David Caldwell, James Edmonds, John Simpson, Thomas Rees, Adlai Osborn, Samuel McCorkle, John McKnit Alexander, Thomas McCall, and James Hall, be, and they are hereby formed and incorporated into a Body politick and corporate, by the Name of President and Trustees of Liberty Hall, and by that Name shall have perpetual Succession, and a common Seal; and that they the said President and Trustees, and their Successors, by the Name aforesaid, or a Majority of them, shall be able and capable in Law to take, demand, receive and possess, all Monies, Goods and Chattels, that shall be given them for the Use of the said Academy, and the same apply according to the Will of the Donors; and by Gift, Purchase or Devise, to take, have, receive, possess, enjoy and retain, to them and their Successors for ever, any Lands, Rents, Tenements and Hereditaments, of what Kind, Nature, or Quality soever the same may be, in special Trust and Confidence that the same, or the Profits thereof, shall be applied to and for the Uses and Pur-

poses of establishing and endowing the said Academy of Liberty Hall, in the County of Mecklenburg, building or purchasing suitable and convenient Houses for the same, providing a philosophical Apparatus and public Library, and supporting and paying Salaries to the President, and such Number of Professors and Tutors thereof, as shall be necessary to instruct the Students, and they shall be able to pay out of the public Funds that shall be in their Hands.

IV. And be it Enacted, by the Authority aforesaid, That the said President and Trustees, and their Successors, or a Majority of them, by the Name aforesaid, shall be able and capable in Law to bargain, sell, grant, demise, alien or dispose of, and convey and assure to the Purchasers, any such Lands, Rents, Tenements or Hereditaments aforesaid, when the Condition of the Grant to them, or the Will of the Devisor, does not forbid it. And further, that the said President and Trustees, and their Successors, for ever, or a Majority of them, shall be able and capable in Law, by the Name aforesaid, to sue and implead, be sued and impleaded, answer and be answered, in all Courts of Record whatsoever.

V. And be it further Enacted, by the Authority aforesaid, That the said President and Trustees be, and they are hereby impowered, authorized and required, to convene at the Town of Charlotte on the Third Tuesday of October next after passing this Act, and then and there elect and constitute, by Commission in Writing under their Hands, and sealed with the common Seal of the Corporation, such and so many Professors or Tutors as they may think expedient; and then and there, and at all other Times for ever hereafter, when the said President and Trustees, their Successors, or a Majority of them, shall be convened and met together in the said County of Mecklenburg, they shall have full Power and lawful Authority to elect and constitute one or more Professors or Tutors; and also to make and ordain such Laws, Rules and Ordinances, not repugnant to the Laws of this State, for the well ordering and governing the Students, their Morals Studies, and Academical Exercises, as to them shall seem meet; and to give Certificates to such Students as shall leave the said Academy, certifying their literary Merit, and the Progress they shall have made in useful Knowledge, whether it be in learned Languages, Arts or Sciences, or all of them.

VI. Be it further Enacted, by the Authority aforesaid, That the said President and Tutors, before they enter upon the Execution of the Trust reposed in them by this Act, shall take the Oath appointed for Public Officers, and also the following Oath, viz:

I, A. B., do swear, that I will duly and faithfully, to the best of my Skill and Ability, execute and discharge the several Trusts, Powers and Authorities, wherewith I am invested, by an Act of the General Assembly, intituled, An Act for incorporating the President and Trustees of Liberty Hall, in the County of Mecklenburg; and that I will endeavour that all Monies, Goods, Chattels, and the Profits of Lands, belonging to this Corporation, shall be duly applied to the Use of the Academy, for the Advancement of Learning, and as near as may be agreeable to the Will of the Donor. SO HELP ME GOD.

And if any President or Trustee of said Academy shall enter upon the Execution of the Trust reposed in him by this Act before taking the said Oaths as above required, he shall forfeit and pay the Sum of Twenty Pounds, Proclamation Money; to be recovered by Action of Debt, in the Name of the Governor of the State for the Time being, and applied to purchase Books for the Use of the said Academy.

VII. And be it further Enacted, by the Authority aforesaid, That the President and Trustees shall annually in the Month of October, elect and commissionate some Person to be Treasurer for the said Academy, during the Term of one Year; which Treasurer shall enter into Bond, with sufficient Security, to the Governor for the Time being, in the Sum of Five Thousand Pounds, conditioned for the faithful Discharge of his Office, and the Trust reposed in him; and that all Monies and Chattels belonging to the said Corporation, that shall be in his Hands at the Expiration of his Office, shall then be immediately paid, and delivered into the Hands of the succeeding Treasurer. And every Treasurer shall receive all Monies, Donations, Gifts, Bequests, and Charities whatsoever, that may belong or accrue to the said Academy during his Office, and at the Expiration thereof shall account with the Trustees for the same, and the same pay and deliver over to the succeeding Treasurer; and on his Neglect or Refusal to pay and deliver as aforesaid, the same Method of Recovery may be had against him, as is or may be provided for the Recovery of Monies from Sheriffs or other Persons chargeable with Public Monies.

VIII. And whereas it is necessary to make Provision for the Appointment of succeeding Presidents and succeeding Trustees, in order to keep up a perpetual Succession; Be it therefore Enacted, by the Authority aforesaid, That on the Death, Refusal to qualify, Resignation, or Removal out of the State, of the President or any of the Trustees for the Time being, it shall be lawful for the remaining Trustees, or a Majority of them, and they are hereby authorized and required, to convene and meet together in the said County of Mecklenburg, and there elect and appoint another President, or one or more Trustees, in the Room and Stead of such President, Trustee or Trustees, dead, refusing to qualify, resigned, or removed out of the State; which President and Trustees so elected and appointed, shall be vested with the same Trusts, Powers and Authorities, as other Fellows and Trustees are invested with by Virtue of this Act, he or they having first taken the Oaths by this Act required.

IX. And be it further Enacted, by the Authority aforesaid, That the said Trustees and their Successors, or a Majority of them, at their Meeting in October annually, and at any other Meeting called for that Purpose (after due Notice given to at least Nine of the Trustees, signifying the Occasion of such Meeting) shall have full Power and Authority to hear any Complaint against the President, or any Professor or Tutor, and for Misbehaviour or Neglect to suspend, or wholly remove him or them from Office, and appoint others to fill the same Office or Offices respectively; and any President so removed from Office, shall from thenceforth cease to be a Member of the Corporation, and the President appointed in his Room and Stead shall be vested with all the Authority and Privileges with which the President by this Act appointed is invested.

X. Provided nevertheless, and be it further Enacted, That this Act, or any Thing therein contained, shall not extend, or be understood to make this Academy one of those Seminaries, mentioned in the Constitution, to oblige this State to support any President, Professor or Tutor, of said Academy, or other Charge or Expence thereof whatsoever; this Act of Incorporation having been obtained at the earnest Prayer and Intreaty of the said Trustees and others, who were desirous to contribute towards the Support thereof.

Read three Times and Ratified in General Assembly, the Ninth Day of May, Anno Dom. 1777.

CHAPTER XXI.

An Act to prevent hunting with a gun, by Fire Light in the night.

I. Whereas, many persons under pretence of hunting for deer in the night by Fire Light, kill Horses and Cattle to the prejudice of the owners thereof.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that if any person or persons shall be discovered hunting in the woods with a gun in the night time by Fire Light, such person or persons so offending shall upon conviction thereof, by the proof of one credible witness, before any justice of the peace in the County where the offence was committed, be compelled to go into the service of the United States, and there serve as a Continental soldier for the space of three years, subject to the same rules, regulations and restrictions as are prescribed by the Continental Congress for the government of the Army, and shall be turned over to the army in the same manner as is directed by an act passed this Session, for the encouragement of the recruiting service.

III. Provided, nevertheless, that in case the said offender shall immediately procure an able bodied and effective man to serve in the Continental Army for the aforesaid term of three years, then the said convicted person shall be excused, and stand acquitted of the judgment passed upon him.

IV. And be it further enacted by the authority aforesaid, that if any slave or slaves shall be discovered hunting in the manner herein before mentioned, such slave or slaves shall upon due conviction thereof before any justice of the peace for the County in which the offence was committed, by the oath of a credible witness, be sentenced to receive thirty-nine lashes on his bare back; and the gun or guns found in the possession of any slave so hunting in the night as aforesaid, shall be forfeited to and become the property of the person or persons that shall discover and prosecute any slave or slaves in manner aforesaid; and the owner of the slave convicted shall be fined in the sum of Five Pounds, to be recovered by warrant before any justice of the peace for the County in which the offence was committed; to be applied towards defraying the contingent charges of the said County.

V. And be it further enacted by the authority aforesaid, that this Act shall be and continue for the term of five months, and from thence to the end of the next Session of Assembly and no longer.

CHAPTER XXII.

An Act to prevent forging or counterfeiting, and punish such persons as shall forge or counterfeit, or Pass or Vend, knowing the same to be forged or Counterfeited, any of the Lottery Tickets of the United States, and for other Purposes.

I. Whereas, the Delegates of the United States in Congress assembled, by a resolution passed the eighteenth day of November, one thousand seven hundred and seventy-six, established a Lottery for the purpose of raising a sum of money or loan for carrying on the present just and necessary war in Defence of the Lives, Liberties and Property of the Inhabitants of the said United States; and have recommended it to the Legislatures of the several States, respectively, to pass such laws as will most effectually tend to prevent the Counterfeiting or forging the tickets of the said Publick Lottery.

II. Be it therefore enacted by the General Assembly of the State of North

Carolina, and it is hereby enacted by the authority of the same, that if any person shall hereafter forge, counterfeit or alter, or procure or cause to be forged, counterfeited or altered, or pass or vend, knowing the same to be forged or counterfeited, any of the Tickets of the Publick Lottery of the United States, as aforesaid, or any part of any such ticket, or shall forge, or counterfeit the Name, or Handwriting, of any manager of the said Lottery, subscribed to any such ticket, whether such ticket so forged, counterfeited or altered, be of the likeness and similitude of the first class of the said lottery tickets already published and issued, or of the likeness and similitude of any other class of the said Lottery Tickets hereafter to be issued; he or she, so offending, shall upon conviction, be adjudged guilty of Felony; and shall forfeit his or her lands and tenements, Goods and Chattels, to the use of the State, and shall suffer the pains of death, as a Felon.

III. And be it enacted by the authority aforesaid, that if any person shall forge, counterfeit, alter, or cause to be forged, counterfeited, or altered, any of the Publick Bills of Credit, emitted by the Congress of the said United States, or any of the Bills of Credit emitted by any Congress, Convention or Assembly of this State, or any of the Bills of Credit emitted and made current by any Congress, Convention, or Assembly of any one of the said United States; or shall forge, counterfeit or alter any part of the said Bills of Credit, or any of them; or shall offer to pass any such forged, counterfeited, or altered Bills of Credit, knowing the same to be so forged, counterfeited or altered; the person so offending shall, upon conviction, be adjudged guilty of felony and shall forfeit his or her lands and tenements, Goods and Chattels, to the use of the State, and shall suffer death as a Felon.

IV. And be it further enacted by the Authority aforesaid, That the Bills of Credit emitted by authority of the Congress of the United States, and the Bills of Credit emitted by authority of the different Congresses of this State, shall be current and a lawful tender in all payments, Trade and Dealings in this State; and shall be deemed in value the same nominal sum in Spanish milled Dollars; and whosoever shall offer, ask or receive more in the said Bills, or any of them, for any Gold, or Silver Coins, Bullion, or any species of money whatsoever than the nominal sum or amount thereof in Spanish milled Dollars, or more in the said Bills or any of them, for any Lands, Houses, Goods, or Commodities, whatsoever, than the same could be purchased at of the same person or persons in gold or silver, or any other species of money whatsoever, or shall offer to sell any Goods, or Commodities for Gold or Silver Coins, or any other species of money whatsoever, and refuse to sell the same for the said Bills of Credit, emitted by the Congress of the United States, or the said Bills of Credit emitted by any Congress of this State, every such person shall be deemed a publick enemy to this and the other United States, and shall forfeit the value of the money so exchanged, or House, Land or Commodity, so sold or offered for sale, as aforesaid, to the use of the State.

V. And be it further enacted by the authority aforesaid, that all debts due and owing by any person, or persons in this State, which at the time of contracting thereof, were to have been paid in sterling money, shall and may be discharged with Continental Bills of Credit, and the Bills of Credit of this State, or either of them, and the rate of four shillings and six pence sterling for each dollar, and in discharge of debts contracted to be paid in the Currency of this State, the same shall be paid in the Bills of Credit aforesaid, at the rate of eight shillings Currency per Dollar; any Law, Usage or Custom to the contrary notwithstanding.

VI. And be it further enacted, that this act shall continue and be in force

for, and during the term of five months, and from thence to the end of the next session of Assembly, and no longer.

CHAPTER XXIII.

An Act for Confirming an Act, entitled, an Act to amend an Act, intituled, an Act what fences are Sufficient, and to amend and continue an Act relating to taking up stray Horses.

I. Whereas, an Act of Assembly of this State passed in the year of our Lord one thousand seven hundred and seventy one, entituled, an Act to amend an Act, entituled an Act what fences are sufficient, and to amend and continue an Act relating to taking up stray horses has been found to be of great utility to this State, and whereas, the said Act expires with this Session of Assembly, therefore,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is enacted by the authority of the same, that the Rangers in the different Counties wherein this Act is to operate shall be appointed, by the County Courts of the said Counties subject to the same Regulations and intituled to the same fees and emoluments as in the aforesaid Act for appointing Rangers Directed, and that the said Acts in every other respect be continued in their full force in the several counties in this State & the District of Washington for and during the term of five months and from thence to the end of the next session of Assembly.

CHAPTER XXIV.

An Act for ascertaining the salary of the Governor, and other purposes therein mentioned.

I. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That the Governor for the time being shall be allowed at the rate of Fifteen Hundred Pounds per annum, for his services in lieu of all Fees, and Emoluments whatsoever, and that each Member of the Council of State, shall be allowed at the rate of twenty shillings per day for each days Travelling to, attending at, and returning from, the Council, with his ferriages to be paid out of the Publick Treasury.

II. And be it further enacted by the authority aforesaid, that the Secretary for the time being shall be allowed at the rate of Two Hundred and fifty Pounds per annum for all publick services, to be paid out of the Public Treasury, and for private services the Secretary shall have and receive the following fees to be paid by the parties, to-wit: Letters, Testamentary or of Administration, two shillings and eight pence; every commission for a place of profit five shillings and four pence; searching a record, seven pence; copy of a patent, one shilling and four pence; every certificate, seven pence; every testimonial passing the Secretary's office under the seal of the State, five shillings and four pence; filing every paper, seven pence.

III. And be it further enacted by the authority aforesaid, That the several Expresses that shall be necessarily dispatched in the service of the publick shall be paid out of the Publick Treasury.

IV. And be it further enacted by the authority aforesaid, That the Treasurers of this State shall be allowed for their publick services at the rate of five hundred pounds each per annum.

V. And be it further enacted by the authority aforesaid, That each of the

treasurers of this State immediately after the ratification of this Act shall give Bond and Sufficient Security in the sum of One Hundred Thousand Pounds, Current Money of this State, to the Governor for the time being, and his Successors with Condition that he will diligently and faithfully endeavor to collect from the respective Sheriffs and Collectors, and other persons, charged with publick moneys in his District, and well and truly account for and pay to the General Assembly of this State, when thereto required, all publick monies which he shall receive, and for the faithful and regular discharge of the Duties of his said Office, which Bond shall be lodged in the Secretary's Office.

VI. And be it further enacted by the authority aforesaid, That this Act shall continue, and be in force for five months, and from thence to the end of the next session of the General Assembly.

CHAPTER XXV.

An Act for enforcing the Statute Laws and such parts of the Common Law and Acts of Assembly heretofore in use here, and also for enforcing the resolves of the Conventions and Congresses of this State, which have not had their effect, and for other purposes therein mentioned.

I. Whereas, it is absolutely necessary for the safety and good government of this State that Laws be immediately in force here, therefore,

II. Be it enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that all such statutes and such parts of the Common Law and Acts of Assembly heretofore in use here and not destructive of, repugnant to or inconsistent with the freedom and independence of this State not abrogated, repealed, expired, become obsolete, or otherwise provided for, and all and every Resolve and Resolves of the several Congresses or Conventions of this State, which have not had their effect or been repealed shall enure, continue and be in force until the end of next session of General Assembly and no longer.

III. And be it further enacted by the authority aforesaid, that an act entitled an Act to prevent Card Playing, and other Deceitful Gaming, passed at New Bern in December, one thousand seven hundred and seventy, shall be and is hereby declared in be in full force until the end of the next session of the General Assembly.

CHAPTER XXVI.

An Act to establish Courts for the trial of Criminals in each District within this State, and for vesting in the several County Courts and Sessions of the Peace, the Power of appointing Jurymen for the said District Courts and Constituting Judges to preside therein.

I. Whereas, it is necessary for the due administration of Justice, that Courts should be established in the several Districts within this State for the trial of Criminals.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that a court of Sessions of the Peace, Oyer and Terminer, and General Gaol Delivery shall be held at Salisbury for the District of Salisbury comprehending the Counties of Anson, Rowan, Mecklenburg, Tryon, Guilford, Surry, Burke, and the District of Washington, on the first Tuesday of September and March; at Hillsborough

for the District of Hillsborough, comprehending the Counties of Orange, Granville, Wake, Chatham and Caswell, on the third Tuesday of June and December; at Halifax for the District of Halifax, comprehending the Counties of Halifax, Northampton, Edgecombe and Bute, on the last Tuesday of May and November; at Edenton for the District of Edenton, comprehending the Counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie Tyrrell, Hertford, Martin and Camden, on the third Tuesday of March and September; at New Bern for the District of New Bern, comprehending the Counties of Craven, Carteret, Beaufort, Johnston, Hyde, Dobbs and Pitt, on the first Tuesday of March and September, and at Wilmington for the District of Wilmington, comprehending the Counties of New Hanover, Bladen, Onslow, Duplin & Cumberland, on the third Tuesday of February and August, and each of the said Courts shall continue to be held for the space of five days exclusive of Sundays, by adjournment de die in diem, unless the business shall be concluded in a shorter time.

III. And be it further enacted by the authority aforesaid, That the persons by this present General Assembly appointed, Judges of the said Courts and each of them when commissioned as hereafter mentioned in this Act shall be invested with full power to hold a Court of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery, in each of the Districts aforesaid on the days and places before specified, and to hear, try and determine all crimes, offences and misdemeanors against the safety, peace and good government of the State, which may have been committed or which shall hereafter be committed within any of the said Districts respectively, and to give judgment and award execution thereon, and the Governor or Commander in Chief for the time being, is hereby empowered to issue a Commission or Commissions of the Peace, Oyer and Terminer and General Gaol Delivery, directed to the persons so appointed Judges as aforesaid.

IV. And be it further enacted by the authority aforesaid, That the said Judges, or either of them, shall have power to appoint some practising Lawyer properly qualified to prosecute in each respective Court aforesaid, as attorney for the State, and such Attorney so appointed shall have and receive the sum of Sixteen Pounds for each and every Court he shall so attend and such fees as the Attorney General shall have heretofore received for such services.

V. And be it further enacted by the authority aforesaid, That the justices of the County Courts and Sessions of the Peace, and they are hereby required before the sitting of the Courts of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery of their respective Districts to nominate twenty-four freeholders to serve as grand jurors and twenty-four freeholders to serve as petit jurors at each of such District Courts respectively, and that the number of freeholders to be nominated to serve as jurors shall be as follows, to-wit: For Anson eight, Rowan twelve, Mecklenburg six, Tryon four, Burke six, Guilford six, and Surry six, to serve as jurors at the Court to be held for the District of Salisbury. For Orange twelve, Granville twelve, Chatham eight, Wake eight, and Caswell eight, to serve as jurors at the Court to be held for the District of Hillsborough, for Halifax sixteen, Edgecombe ten, Bute ten, Northampton twelve, to serve as jurors at the Court to be held for the District at Halifax. For Chowan ten, Perquimans six, Pasquotank four, Currituck four, Tyrrell four, Martin four, Bertie eight, Hertford six and Camden two, to serve as jurors at the Court to be held for the District of Edenton. For Craven eighteen, Carteret four, Beaufort six, Hyde four, Dobbs six, Johnston four, and Pitt six, to serve as jurors at the Court to be held for the District of New Bern. For Northampton twelve, Bladen eight,

Onslow eight, Cumberland six, Duplin eight, and Brunswick six, to serve as jurors at the Court to be held for the District of Wilmington, which said jurors shall be divided into grand and petit jurors by the County Courts of the respective Counties from whence such jurors shall be sent. Provided nevertheless, that when the jurors from any County shall not be so divided by the County Courts that then the District Court hereby established shall make such Division.

VI. And be it further enacted by the authority aforesaid, That in case it shall so happen that any of the County Courts and Sessions of the Peace shall neglect to nominate Jurors as aforesaid, or the jurors nominated should not be summoned by the Sheriff, or should fail to appear, or from any other reason there should be a defect of jurors at any of the said District Courts, that then it shall and may be lawful for the judge or judges of such Court to order the Sheriff to summon other free holders of the bystanders, to serve either as grand or petit jurors, or in case from the number challenged by any prisoner there shall not be a sufficient number remain, to make a full jury it shall in like manner be lawful for the Court to order other freeholders of the bystanders to be summoned; provided, that such bystanders as are summoned to serve on the petit jury, shall and may every day be discharged, and the succeeding day and so from day to day the Sheriff may summon so many freeholders of the Bystanders as may be necessary, and if any person so summoned to attend on any jury at such Court shall fail to appear and attend according to such summons it shall be lawful for the Court to fine every person so failing, Three Pounds Proclamation money to the use of the County wherein he is resident, unless he can make a sufficient excuse for his non-attendance.

VII. And be it further enacted by the authority aforesaid, that the said judges, or either of them, shall have power to appoint some person properly qualified to act as Clerk of each respective Court aforesaid, and such Clerk shall every Day during the continuance of such Court write the names of all the Petit Jurors appearing, on scrolls of paper which shall be put into a box and on the trial of every issue, a Child under ten years of age in open Court shall draw out of the said box twelve of the said scrolls and the persons whose names shall be on the said scrolls drawn as aforesaid, shall be the jury to try such issue unless they be lawfully challenged, in which case other scrolls shall be drawn till the Jury be completed.

VIII. And be it further enacted by the authority aforesaid, That each and every juror who shall attend any of the said District Courts in Virtue of this Act upon producing a Certificate from the Clerk of such Court setting forth the time of his attendance to the County Court and Sessions of the Peace of the County where he resides shall have five shillings proclamation money allowed him for every day he shall travel and attend as aforesaid, and also the charge of his ferriages, and the bystanders summoned on the grand jury shall have the same daily allowance for their attendance only.

IX. And be it further enacted by the authority aforesaid, that the Clerk of every such District Court shall make up a full and perfect Record of the proceedings of such Court, for which, and for his attendance and other services he shall be allowed the sum of two pounds proclamation money, for every day such Court shall set and he shall so attend and act in as Clerk thereof, and the Judge or Judges who shall have held such Court shall make due return of all the Records and Proceedings which shall have been had and moved before him or them, in such Court into the Secretary's office within six months after the conclusion of such Court.

X. And be it further enacted by the authority aforesaid, That the judges

who in virtue of this Act shall hold any of the said Courts shall have and receive the sum of twenty five pounds proclamation money each for every Court they shall so hold.

XI. And be it further enacted by the authority aforesaid, That the several Bills of Indictment found at the Court of Sessions of the Peace, Oyer and Terminer, and General Gaol Delivery, lately held in any of the said Districts pursuant to and in virtue of an ordinance passed in the last Congress held at Halifax, intituled "An Ordinance to establish Courts for the trial of Criminals in each District within this State, and for vesting in the several Sessions of the Peace the power of appointing jurymen for the said District Courts and constituting Judges to preside therein" shall be transposed into and all process thereon shall be returnable to and cognizable and that same indictments and process may be heard, tried and determined in and by the several and respective District Courts established by this Act. And the several Persons bound in Recognizance by any of the said late District Courts for their appearance in Court at a certain day shall be obliged to appear at the first Court of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery to be held for each respective District as aforesaid in the same manner as if such person had been expressly bound by such recognizance for their appearance at such respective District Court.

XII. And be it further enacted by the authority aforesaid, That this Act shall continue and be in force to the end of the next session of the General Assembly and no longer.

CHAPTER XXVII.

An Act for erecting County Courts and Sessions of the Peace and also for appointing and Commissioning Justices of the Peace and Sheriffs in and for the several Counties and the District of Washington within this State and for other purposes therein mentioned.

I. Whereas, it is necessary for the Distribution of Justice and the Good Order and Government of this State, that County Courts and Sessions of the Peace, should be held, and Justice of the Peace, Sheriffs and other officers appointed in the several Counties thereof and the District aforesaid.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that the Governor be hereby impowered immediately to issue Commissions of the peace for authorizing the several persons by this present Assembly nominated and appointed Justices of the Peace, for the several counties and the District aforesaid, within this State and likewise a commission of Dedimus Potestatum to proper persons in each of the said Counties and the District aforesaid to qualify the said Justices thereof and each Justice so appointed and commissioned shall be invested with full power and authority within their respective counties and the District aforesaid for keeping the peace and causing offenders against the peace of this State to be apprehended, examined, bailed or committed according to the nature of the offence in as full and ample a manner to all Intents and purposes as any Justices or any conservators of the peace have heretofore of right had and exercised or enjoyed in this State, and that they, or any three of them shall have power to hold a County Court and Session of the Peace in each of their respective Counties on the days above appointed for holding Inferior Courts of Pleas and Quarter Sessions by the Act of Assembly last in force in North Carolina and in the District of Washington on the fourth Tuesday in February, May, August and November, and to enquire of, hear

and determine primer offences and misdemeanors as were cognizable by and within the jurisdiction of the said Inferior Courts of Pleas and Quarter Sessions in virtue of the aforesaid Act of Assembly and to put in execution all laws now in force relating to orphans and guardians, for the proving and recording of deeds, the probate of Wills and the granting Letters Testamentary and of Administration and for granting Commissions for taking the private examination of feme coverts and for appointing constables and overseers and Commissioners of Roads and for altering and laying out roads and all other matters relative thereto in such manner and under such restrictions as Inferior Courts of Pleas and Quarter Sessions have heretofore legally done, or Justices of the Peace, commissioned by virtue of this Act may do, pursuant to an Act of this present General Assembly, entituled an Act for enforcing the statute laws and such part of the Common Law and Acts of Assembly heretofore in use here, and also for enforcing such resolves of the Conventions and Congresses of this State which have not had their effect and for other purposes therein mentioned.

III. And be it further enacted, by the authority aforesaid, That upon complaint made to either of the Justices of the Peace in the respective Counties and the District aforesaid by any person, his attorney, agent on oath that any person who owes him a debt has removed, or is removing himself out of the County privately and such plaintiff further testifying the amount of his Debt or Damages to the best of his knowledge, it shall and may be lawful for such Justice thereupon to grant an attachment against the estate of such Defendant wherever the same may be found, or in the hands of any person indebted to or having any of the effects of such Defendant, or so much thereof as shall be of value sufficient to satisfy the Debt or Damages and Costs of such Complaint, such Plaintiff having first given bond to the Defendant with good and sufficient security in double the sum mentioned in such complaint, for the payment of all such damages and costs as shall be recovered and awarded against him at the suit of such defendant in case the plaintiff shall fail or be cast in his suit, which attachment if for any sum not exceeding five pounds proclamation money, shall be returnable before such justice who shall grant the same, or some other justice of the peace for the County where such attachment is granted, but if for any sum exceeding five pounds proclamation money, then such attachment shall be returnable into the County Court and Sessions of the Peace heretofore established and the goods or estate attached thereupon may be Replevined by the Defendant, and for the want of such replevin the same shall be liable to be sold and the money arising from such sale shall be subject to the recovery of the plaintiff in the same manner and under the same rules and restrictions as is Directed and provided by an Act of Assembly passed at New Bern the fifth day of December, in the year of our Lord one thousand seven hundred and sixty seven, intituled, an Act for Dividing this Province into six several Districts and for establishing a Superior Court of Justice in each of the said Districts and regulating the proceedings therein, and for providing adequate salaries for the Chief Justice and the Associate Justices of the said Superior Courts.

IV. Provided, that the Justices of such County Court and Sessions of the Peace shall not proceed to tryal of, or give Judgment or award execution on any such attachment or any civil action or suit heretofore brought in any Inferior Court of Pleas and Quarter Sessions and that nothing herein contained shall extend or be construed to give the County Courts and Sessions of the Peace hereby erected, any jurisdiction or authority to hold, plea or take

cognizance of any civil action or suit whatever except in cases of attachment as above specified.

V. And be it further enacted by the authority aforesaid, That the Justices of the Peace in the several counties and District aforesaid shall have power to appoint a Clerk for each respective County Court and Session of the Peace by a majority of the votes of all the Justices in the Commission of the Peace for such county, or of those who shall during the two first days of the next sitting of the County Courts qualify thereupon and all such clerks when so appointed, shall hold their respective offices during good behavior. Such Clerk taking the oath of allegiance to this State prescribed by Act of the General Assembly for the qualification of Publick Officers and also the oath of office prescribed by the said Act of Assembly last in force for establishing Inferior Courts of Pleas and Quarter Sessions before he shall enter upon the execution of his said office.

VI. And be it further enacted by the authority aforesaid, that the persons appointed Justices of the Peace and Commissioned in pursuance of this Act before entering upon and executing their said office shall take the said oath appointed to be taken for the qualification of publick officers and also the following oath to-wit: I, A. B., do swear that as a justice of the Peace for the County of ———————— in all articles in the commission to me directed I will do equal right to the poor and to the rich after my cunning Wit, Power, and to the best of my Judgment according to law; and I will not be of counsel in any quarrel hanging before me; I will not let for Gift or other cause, but well and truly I will fill my office of a Justice of the Peace as well within the County Court and Sessions of the Peace as without, and I will not take any fee, gift, gratuity or reward for anything to be done by virtue of my office and I will not direct or cause to be directed any warrant by me to be made to the parties but I will direct such to the Sheriff or Constable of the County, or other officers or ministers of the State or other indifferent person to do execution thereof. SO HELP ME GOD.

VII. And to prevent a failure of justice be it further enacted by the authority aforesaid, that the Justices of the Peace at their first session which shall be respectively held after the ratification of this act shall nominate some substantial freeholder in each County, and the District aforesaid, to be Sheriff of the same whom the Governor of this State for the time being is hereby empowered to commission in pursuance of such nomination and such Sheriff shall thereupon hold his said office in virtue of such nomination and commission not exceeding the term of one year from the date of such Commission and each Sheriff shall previous to his entering upon the execution of his office take the oath to this State prescribed by Act of General Assembly for the qualification of publick officers and likewise an oath of office and shall also enter into bond with good and sufficient security in the penalty of one thousand pounds proclamation money, payable to the Governor for the time being and his successors, with condition similar and as near as may be to the form of a bond payable to the King preserved in an Act of Assembly entituled an Act for appointing Sheriffs and directing their Duty in office.

VIII. And in executing all process and in apprehending and securing criminals the several Sheriffs in this State shall be governed by the last mentioned act when it is not inconsistent with or repugnant to the Independence of this State, or the rules and regulations within the same or any Act of this present session, and the Constables appointed by the said respective Counties and the District of Washington as aforesaid, shall before

entering upon the execution of their office take the oath of allegiance to the State and likewise an oath of office.

IX. And be it further Enacted by the Authority aforesaid, That this Act Shall continue and be in force for the space of five months from thence to the end of the next session of Assembly and no longer.

Read three times and ratified in General Assembly, the Ninth Day of May, 1777.

SAMUEL ASHE, S. S.
ABNER NASH, S. C.

LAWS OF NORTH CAROLINA, 1777.

At a General Assembly begun and held at New Bern on the Fifteenth Day of November, in the Year of our Lord One Thousand Seven Hundred and Seventy-Seven, and in the Second Year of the Independence of the said State: Being the Second Session of this Assembly. *Richard Caswell, Esq.*, Governor.

CHAPTER I.

An Act for establishing Offices, for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned.

Whereas, it is expedient that the Lands within this State should be parcelled out to industrious People, for the Settlement thereof, and increasing the Strength and Number of the People of the Country, by affording an easy and comfortable Subsistence for Families:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That the Justices of the Peace in every County within this State, on the second Day of the next Court which shall be held after the End of this present Session of Assembly, and afterwards at the next Court which shall be held after each respective Vacancy, shall elect one good and sufficient Person to receive Entries of Claims for Lands within such County respectively, and also one Person properly qualified to be Surveyor of Lands within the same; at which Election, whosoever shall appear to have the Majority of the Votes of the Justices then present, shall be deemed duly elected, and no other; and every Person so duly elected for either of the Offices aforesaid, shall hold the said offices respectively during good Behaviour.

II. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for any Person, who is or shall hereafter become a Citizen of this State, according to the Constitution thereof, and who shall perform the several Requisites by this Act required, to enter with the Entry Taker of any County within this State, a Claim for any Lands lying in such County, which have not been granted by the Crown of Great Britain, or the Lords Proprietors of Carolina, or any of them in Fee, before the fourth Day of July, in the Year One Thousand Seven Hundred and Seventy-Six, or which have accrued, or shall accrue to this State, by Treaty or Conquest, every such Citizen, performing every thing by this Act required to be previously done. Provided, That when any Person shall have bona fide, purchased Lands, and has failed to register the Deeds for the same within the Times required by Law, nothing herein contained shall bar him from availing himself of the further Times given for registering such Deeds by any subsequent Law. Provided, That no Person shall be entitled to claim any greater Quantity of Land than Six Hundred and Forty Acres, where the Survey shall be bounded in any Part by vacant Lands, or more than One Thousand Acres, between the Lines of Lands already surveyed and laid out for any other Person.

III. And be it also Enacted, by the Authority aforesaid, That every Person

except a Guardian who shall claim for an Orphan Child, and except Persons absent in the Service of this State, or the United States, before he shall enter a Claim for any of the Lands aforesaid, shall take and subscribe the Oath, or Affirmation, of Allegiance and Abjuration, prescribed by the Law of this State, which Oath the Entry Officer is hereby impowered and required to administer; and every Person claiming shall also, before he shall be entitled to enter a Claim for any of said Lands, pay into the Hands of the Entry Taker at the Rate of Two Pounds Ten Shillings for every Hundred Acres, together with the Fees, which shall be by this Act made lawful. Provided, That where any Person shall claim a greater Quantity of Lands aforesaid than Six Hundred and Forty Acres for Himself, and one Hundred Acres for his Wife and each of his children, including all that such Persons may have claimed in one or more Tracts or Surveys under this Act, within Twelve Months from the End of this present Session of Assembly, shall pay for every Hundred Acres exceeding the Quantity aforesaid Five Pounds, and so in Proportion.

IV. And be it also Enacted, by the Authority aforesaid, That the Claimant of any Land shall produce to the Entry Taker a Writing, setting forth the Name of the County wherein the Land shall be situated, the nearest Water Courses and remarkable Places, and such Water Courses, Lakes, or Ponds as may be therein, the natural Boundaries and Lines of any other Person or Persons if any, which divide it from other Lands; and every such Writing shall be endorsed by the Entry Taker, with the Name of the Claimant, and the Number of Acres claimed, and a Copy thereof shall be entered in a Book, well Bound and ruled, with a large Margin, and into Spaces of equal Distances, every space to contain only one Entry, and every Entry shall be made in the Order of Time in which it shall be received, and numbered in the Margin; and if no Person shall appear within Three Months after to make Claim for the same Lands, the Entry Taker shall deliver to the Party a Copy of the Entry, with its proper Number, and an Order to the County Surveyor to survey the same; which Order shall be written, or printed, on at least a Half Sheet of Paper: But if any Person shall appear within the time aforesaid, and set up a Claim to any Lands which shall be entered, the Entry Taker shall note the same in the Margin of the Book of Entries, opposite to the Claim in Dispute, and shall transmit a copy of the whole to the County Court, to be proceeded on as by this Act is directed, and in the mean Time shall forbear to issue any Order to the Surveyor relative thereto.

V. And whereas many of the good People of this State, during the Discontinuance of Land offices therein, have settled and improved Lands, with Intention to become lawful Proprietors thereof; and by Reason there was no Method of ascertaining the Bounds of their respective Claims, it may happen that Disputes may arise respecting Bounds and Priority of Occupancy; and it is expedient that all such Disputes be terminated with as little Delay and Expence as possible, consistent with Justice, and the Constitution of this State: Be it therefore Enacted by the Authority aforesaid, That when the Entry Taker shall certify to the County Court a disputed Claim, in Manner as by this Act directed, the said Court shall order the Sheriff to summon a jury of good and lawful Men, unconnected by Affinity or Consanguinity with the contending Parties, who shall be above all exceptions, and having given the Parties Ten Days previous Notice, shall go with the said Jury on the premises, and the Jury being sworn to do equal Right between the Parties, to cause the Witnesses on both Sides to be examined, and the Allegations of the Parties to be made before such Jury, and to receive the Verdict of the said Jury, and return the same, together with the

Pannel to the next County Court; and at the said Court, if it shall appear that the Jury have found generally for any of the Parties, then the Court shall order an authentic Copy of the Verdict to be delivered to the Party for whom the same shall be found, who upon entering the same with the Entry Taker, and performing the Requisites by this Act required, shall obtain a Certificate and Order of Survey, in like Manner as if he had made Entry of a Claim for the same Premises; and the Officer shall refund to the other Party all the Money which he has received from him, except the Fees to himself, for the Services actually performed; and in all Cases where the Jury shall find a special Verdict, the County Court shall decide thereon according to the right of the Case, and shall order such Determination to be delivered to the Party, who may thereupon proceed as in Case of a general Verdict. Provided, That where it shall be made appear to the County Court that the Jury were partial, or not all good and lawful Men as required by the Constitution, or have been influenced by any unfair Practices of the Party for whom they shall find, the said Court shall order a new Trial, and the Proceedings shall be as before directed.

VI. And in Order to prevent Disputes and Delays to Persons in obtaining Titles to the Lands before mentioned, Be it further Enacted, by the Authority aforesaid, That where a Claim shall be made to any Lands for which a prior Claim has been duly entered, before such subsequent Claim shall be received, the Party making the same shall enter into Bond with the Entry Taker, with sufficient Security, payable to the adverse Party, in the Sum of Fifty Pounds, that he will prosecute the said Claim with Effect; and if he shall fail therein, he shall pay all Costs and Damages which shall accrue, which Costs shall not exceed the Fees in Cases of Juries of View in Causes respecting the Title or Bounds of Lands, and the Clerks and Attornies Fees as by Law established in other Causes; but may be diminished by the Courts respectively, as they shall judge right.

VII. Provided, That nothing in this Act contained shall extend to effect the Right, Title or Interest, which any Citizen may have in Lands heretofore obtained by Patent from the Crown of Great Britain, or any Person claiming by, from, or under the same, or to bar any Right of Action, Entry or Possession, to such Lands appertaining; but all such Rights, Titles, Interests, Rights of Action, Entry and Possession, shall be and remain as if this Act had never been made.

VIII. And be it also Enacted by the Authority aforesaid, That every Right, Title, Claim, Interest, or Property, by any Person or Persons set up or pretended to any of the before mentioned Lands which shall not be obtained in Manner by this Act directed, or by Purchase or Inheritance from some Person or Persons becoming Proprietors by Virtue thereof, or which shall be obtained in Fraud, Elusion or Evasion of the Provisions and Restrictions thereof, shall be deemed and are hereby declared utterly void.

IX. And be it further enacted by the Authority aforesaid, That every County Surveyor, upon receiving the Copy of the Entry and Order of Survey for any Claim of Lands, shall as soon as may be lay off and survey the same, agreeable to this Act, and make thereof two fair Plots, the Scale whereof shall be mentioned on such Plots, and shall set down in Words the Beginning, Angles, Distances, Marks, and Water Courses, and other remarkable Places, crossed or touched by or near to the Lines of such Lands, and also the Quantity of Acres, and shall transmit the Plots to the Secretary's Office, together with the Warrant, or Order of Survey, one of which, with the Warrant, shall be filed by the Secretary, and the other annexed to the Grant.

And no Surveys shall be made without Chain Carriers, who shall actually measure the Land surveyed, and shall be paid by the Party for whom the Survey shall be made; and such Chain Carriers shall be sworn to measure justly and truly, and to deliver a true Account thereof to the Surveyor, which Oath every Surveyor is hereby impowered and required to administer: And every Survey shall be bounded by natural Boundaries, or right Lines, running East, West, North and South, and shall be an exact Square or Oblong, the Length not exceeding double the Breadth, unless where such Lines interfere with Lands already granted or surveyed, or unless where the Survey shall be made on any navigable Water; in which last Case the Water shall form one Side of the Survey, and the Breadth on such Water shall not be more than one fourth Part of the Distance back from the Water. Provided, nevertheless, That nothing herein contained shall be construed to extend to prevent any Person from entering a Claim for any Island or Islands in navigable Waters, the Quantity of which shall not exceed what is allowed by this Act to be contained in one Entry.

X. And be it Enacted by the Authority aforesaid, That the Secretary shall make out Grants for all Surveys returned to his Office, which Grants shall be authenticated by the Governor, and countersigned by Secretary, and recorded in his office, ready to be delivered to the Parties to whom the same shall be made, on the first Day of April and October in every Year; and every person obtaining a Grant for Lands, shall within twelve Months after such Grant shall be perfected as aforesaid, cause the same to be registered in the Register's Office of the County where the Lands shall lie, otherwise such Grant shall be void.

XI. And be it further Enacted by the Authority aforesaid, That the several Entry Takers, Surveyors, Registers, and the Secretary, shall be entitled to have and receive the Fees hereafter particularly specified, and no more, that is to say: To the Entry Taker, for all Services, Sixteen Shillings. To the Surveyor, for making the Survey, and all other Services for every Three Hundred Acres or under, Thirty Shillings; and for every One Hundred Acres more, Three Shillings. To the Secretary, for making out the Grants, and recording the same, Five Shillings. To the Governor's Secretary, for the Great Seal, Three Shillings.

XII. And be it also Enacted by the Authority aforesaid, That every Entry taker shall, on or before the first day of April and October in every Year, pay into the Public Treasury all such Monies as he shall receive for Entries; and in Consideration of the said Service, and the Risk of such Monies, and for carrying the Grants from the Secretary's office to his county, and delivering the same when called for to the Persons to whom they shall be made (which he is hereby required to do) it shall and may be lawful for him to retain Two per Cent.

XIII. And be it also Enacted by the Authority aforesaid, That every Entry Taker and Surveyor, before entering upon the Execution of his Office, shall take and subscribe in open Court the Oath prescribed for the Qualification of Officers, and also an Oath that he will well and impartially discharge the several Duties of his respective Office; and shall enter into Bond, with sufficient Security, to be approved by the County Court, in the Sum of Two Thousand Pounds, to the Governor for the Time Being, and his Successors, for the faithful Discharge of his respective Duty; which Bond, upon a Breach of the Condition thereof, shall be assigned by the Governor to the Party or Parties injured, who shall and may maintain an Action or Actions thereon in his or their own Name or Names, and shall not become void upon the first Recovery, or if Judgment be for the Defendant, but may be put in

Suit from Time to Time, until the whole Penalty shall be recovered; and every Entry Taker shall also give Bond, in the Sum of Eight Thousand Pounds, payable to the Governor for the Time being and his Successors, well and truly to pay to the public Treasury all such Monies as he is or shall be required by Law to pay in Virtue of his Office; and in Case where the Entry Taker shall fail to pay the Monies by him received into the Public Treasury as required by Law, the Treasurer shall cite the Delinquent and his Securities to the next Superior Court to be held for the District wherein the County of which he is Entry Taker shall be situated, and such Court shall direct an Issue to be immediately made up and tried by a Jury, and if it shall be found that the Entry Taker has failed to make Payment as by Law required, or shall fail to appear on such Citation, the Court shall give Judgment and award Execution against him and his Securities, for the Sum which shall be found or appear to be due from him. And upon such Citation, the Treasurer shall be entitled to demand and receive of such Entry Taker his Entry Book, and every other Evidence, by Books or Papers, which by this Law such Entry Taker is directed to keep; and if such Entry Taker shall, upon such Demand, neglect or refuse to deliver such Books or Papers to be made Use of in the Trial of such Citation, such Refusal shall be deemed a Presumption amounting to full Proof, and Judgment pass against the Entry Taker for the amount of the whole Sum demanded by the Citation, and Execution shall go accordingly.

XIV. And be it also Enacted by the Authority aforesaid, That every Entry Taker and Surveyor who shall neglect or refuse to perform the several Duties by this Act required, or shall knowingly suffer the Provisions and Restrictions thereof to be eluded or evaded, or shall ask, demand, or receive, directly or indirectly, any greater Fees than are by this Act made lawful, shall forfeit the Sum of Five Hundred Pounds, to be recovered by Action of Debt, Bill or Plaint; and moreover shall forfeit all Right to Office, and shall be forever disabled from holding the same, or any other office within this State: Provided that no Person shall take up any Lands under this Act in Washington County, in any greater Quantity than Six Hundred and Forty Acres for himself, and One Hundred Acres for his wife, and One Hundred Acres for each of his Children, until the Legislature shall make further Provision relative thereto.

XV. And provided also, and be it further Enacted, by the Authority aforesaid, That every Person or Persons, and his or their Heirs or Assigns, who in the Office of the late Earl Granville, or in the late Public Land Office, have heretofore made any Entry or Entries, or who since the Death of the said Earl Granville hath possessed and actually improved any vacant or unappropriated Lands for which no just Claim by Entry in any Office shall have been made, shall be intitled, in Preference to all others, to enter and obtain a Grant or Grants for the same, so that such Entry or Entries be made on or before the First Day of January, One Thousand Seven Hundred and Seventy Nine, and so that no such Grant shall contain more than Six Hundred and Forty Acres; subject nevertheless to the Payment of Five Pounds for every Hundred Acres, and so in Proportion, which any Person shall claim over and above the Quantity which by the Provisions of this Act each Person is allowed to claim for the Price of Fifty Shillings for every Hundred Acres, and so in Proportion; any Thing herein before contained to the contrary notwithstanding.

XVI. Provided nevertheless, That this Act shall not extend to confirm any Entry made or Grant obtained in the late Public Land Office, for Lands

in the late Lord Granville's District, or to any Entry which hath heretofore lapsed for want of suing out a Patent or Grant agreeable to the Regulations heretofore established and in Use within this Territory. Provided, also, That nothing in this Act contained shall be construed to prevent or bar any Persons, being Subjects of this State, and claiming Property in any Lands therein by Conveyance or Grant from any Nation of Indians, from the Right of Trial by Jury, or a hearing before the General Assembly of the State at a future Day.

XVII. And be it further Enacted, by the Authority aforesaid, That if any Entry Taker shall be desirous to make any Entry of Lands in his own Name, such Entry shall be made in its Proper Place before a Justice of the Peace of the County not being a Surveyor or Assistant, which Entry the Justice shall return to the County Court at their next sitting, and the County Court shall insert such Entry; and every Entry made by or for such Entry Taker in any other Manner than is herein directed, shall be illegal and void, and any other Person may enter, survey, and obtain a Grant for the same Land.

XVIII. And be it further Enacted by the Authority aforesaid, That no Entry Taker shall receive, for the Use of this State, any other Sort of Money for the Entry of Lands than Continental Bills of Credit, or the Dollar Bills emitted at the Congress held at Hillsborough and Halifax.

CHAPTER II.

An Act for Establishing Courts of Law, and for Regulating the Proceedings therein.

Whereas it is necessary to a due and regular Administration of Justice that Courts be established in this State;

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act this State shall be, and it is hereby divided into Six several Districts, that is to say, the District of Wilmington, New Bern, Edenton, Halifax, Hillsborough, and Salisbury, in each of which a Court for the Trial of Causes, civil and criminal, shall be established, by the Name of the Superior Court of Law in the District where the same shall be held; and the said Courts shall consist of three Judges, being Men of Abilities, Integrity, and learned in the Law, who shall have Cognizance and legal Jurisdiction of all Pleas, real, personal, and Mixt; and also all Suits and Demands relative to Legacies, Filial Portions, and Estates of Intestates; all Pleas of the State, and criminal Matters, of what Nature, Degree, or Denomination soever, whether brought before them by original or Mesne Process, or by Certiorari, Writ of Error, Appeal from any Inferior Court, or by any other Ways or Means whatsoever: and they are hereby declared to have full Power and Authority to give Judgment, and to award Execution, and all other necessary Process thereupon; and shall have, use, exercise, and enjoy, the same Powers and Authorities, Rights, Privileges, and Preheminences, as were had, used, exercised, and enjoyed, by any former Judges in this Territory, except where it is, or may be otherwise directed by this, or any other Act, or where such Authorities, Rights, Privileges, or Preheminency, or any of them, may be inconsistent with, or repugnant to, the Form of Government and Constitution by Law established: And in Case of the Death or Absence of any of the said Judges, it shall and may be lawful for one or more of the same Judges, by himself or themselves, to hold any of the said

Courts, and to take Cognizance, and give Judgment, and award Execution, in the same Manner as all the said Judges might have done, had they been present. Provided always, That Demurrers, Cases agreed, special Verdicts, Bills of Exception to Evidence, and Motions in Arrest of Judgment, shall not be argued but before Two or more of the said Judges.

II. And for the Benefit of Suitors, and to prevent Irregularities in making up Records, Be it Enacted by the Authority aforesaid, That the said Judges shall appoint Clerks of Skill and Probity to the several and respective Courts hereby established, who shall each of them give Bond, with sufficient Security, payable to the said Judges, and their Successors in Office, in the Sum of Two Thousand Pounds, for the safe keeping of the Records, and the faithful Discharge of his Duty in Office; which said Bond shall be lodged in the Secretary's Office, and may be put in Suit on the Assignment of the said Judges, or their Successors, by the Party or Parties injured, in his or their own Name; and shall not become void upon the first Recovery, or if Judgment be given against the Plaintiff, but may from time to time be put in Suit, by Action of Debt, until the whole Penalty shall be recovered.

III. And be it Enacted by the Authority aforesaid, That the Clerks of the said Courts, when so appointed, shall hold their Offices during their good Behavior therein; but before entering upon the Execution thereof, shall before his Excellency the Governor take the Oath for the Qualification of Public Officers; and also the following Oath, to-wit,

I, A. B. do swear, that by myself, or any other Person, I neither have given, nor will give, to any Person or Persons whatsoever, any Gratuity, Gift, Fee or Reward, in Consideration of my Appointment to the Office of Clerk of the ————————; nor have I sold, nor offered to sell, nor will I sell, or offer to sell, my interest in the said Office. I also solemnly Swear, that I do not, directly or indirectly, hold any other lucrative Office in this State. And I do further swear, that I will Execute the Office of Clerk of the ———— for the ———— without Prejudice, Favour, Affection, or Partiality, to the best of my skill and Ability. SO HELP ME GOD.

And the Governor is hereby required to issue his Proclamation to every County of this State, notifying to the good People thereof the Names of those Persons who have qualified as Clerks of the Courts of the respective Districts, agreeable to this Law, and requiring all Persons to pay Obedience to all Precepts issued by them by Virtue thereof: And if it shall be discovered that any of the said Clerks, after his Appointment, shall have violated his said Oath, or wittingly, willingly, and corruptly, have done any Thing contrary to the true Intent and Meaning of the said Oath, such Clerk shall be deemed upon Conviction guilty of Misbehavior in Office, and shall for ever afterwards be incapable of holding any Office, civil or military, within this State.

IV. And be it further Enacted by the Authority aforesaid, That the said Judges, before they act as such, shall in open Court, or before the Governor for the Time being, take the Oath appointed for the Qualification of Public Officers, and also the following Oath, to-wit,

I, A. B. do solemnly swear, that I will well and truly serve the State of North Carolina, in the Office of ———— of the Superior Courts of Law of the said State. I will do equal Law and Right to all Persons, Rich and poor, without having regard to any Person. I will not wittingly, or willingly take by myself, or by any other Person, any Fee, Gift, Gratuity, or Reward whatsoever, for any Matter or Thing by me to be done by Virtue of my Office, except the Fees and Salary by Law appointed.

I will not maintain by myself, or by any other, privately or openly, any Plea or Quarrel depending in any of the said Courts. I will not delay any Person of common Right, by Reason of any Letter or Command from any Person or Persons in Authority to me directed, or for any other Cause whatsoever; and in Case any Letters or Orders come to me contrary to Law, I will proceed to enforce the Law, such Letters or Orders notwithstanding. I will not give my Voice for the Appointment of any Person to be Clerk of any of the said Courts, but such of the Candidates as appear to me sufficiently qualified for that Office; and in all such Appointments I will nominate without Reward, the Hope of Reward, Prejudice, Favour, or Partiality, or any other sinister Motive whatsoever. And finally, in all Things belonging to my Office, during my Continuance therein, I will faithfully, truly, and justly, according to the best of my Skill and Judgment, do equal and impartial Justice to the Public and to Individuals. SO HELP ME GOD.

And if any of the said Judges shall presume to act in his Office before he shall have taken the Oaths hereby directed, he shall forfeit and pay One Thousand Pounds, to be recovered by Action of Debt in any of the Superior Courts; one Half to the Use of the State, towards defraying the Charges of Government, and the other Half to the Person or Persons who shall sue for the same.

V. And be it Enacted, by the Authority aforesaid, That the several Superior Courts of Law shall be held for the several Districts in this State on the following Days, and in the following Places, that is to say, For the District of Salisbury, in the town of Salisbury, for the counties of Rowan, Mecklenburg, Tryon, Anson, Surry, Guilford, Burke, Washington, and Wilkes, on the Fifth Days of March and September. For the District of Hillsborough, in the town of Hillsborough, for the Counties of Orange, Granville, Wake, Chatham, and Caswell, on the Twenty Fourth days of March and September. For the District of Halifax, in the town of Halifax, for the counties of Halifax, Northampton, Edgecombe, Bute, Martin, and Nash, on the Twelfth Days of April and October. For the District of Edenton, in the Town of Edenton, for the Counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie, Tyrrell, Hertford, and Cambden, on the First Days of May and November. For the District of New Bern, in the town of New Bern, for the Counties of Craven, Carteret, Beaufort, Johnston, Hyde, Dobbs, and Pitt, on the Twentieth Days of May and November. For the District of Wilmington, in the town of Wilmington, for the Counties of New Hanover, Onslow, Bladen, Duplin, Cumberland, and Brunswick, on the Seventh Days of June and December. And each Term shall continue Twelve natural Days, exclusive of Sundays, by adjournment from day to day, if the Business shall require so long Time, but otherwise may be sooner determined. Provided always, That if the Day by this Act appointed for holding any of the said Courts shall happen to fall on a Sunday, then such Court shall be held the next succeeding Day; any thing herein contained to the contrary notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That all Persons who have heretofore obtained Licenses to practice as Attornies in the Courts under the late Government, and have been admitted as such, shall hereafter be permitted to practise in such Courts in which they were heretofore admitted to practice, without any further Examination; and every Person who shall hereafter apply for Admission to Practise as an Attorney, shall undergo an Examination before two or more Judges of the Superior Courts of this State, and if such Person shall be found to posses a competent Share of Law Knowledge, and be a person of upright Character, such Judges shall

give him a Certificate, under their Hands and Seals, to practise in any Court of this State for which they may judge him qualified.

VII. And be it further Enacted by the Authority aforesaid, That no Person coming into this State from any other State, or from any foreign Country, with an Intention to practise the Law, shall by the said Judges be admitted to practise as an Attorney, unless he shall have previously resided one Year in this State, or unless such Person shall produce to the said Judges a Testimonial from the Chief Magistrate of such State or Country, or from some other competent Authority, that he is of an unexceptionable moral Character; and all such Attornies, before tney shall be admitted to practice in any Court, shall in open Court, before the Judges thereof, take the following Oath, viz:

I, A. B. do swear, that I will truly and honestly demean myself in the Practice of an Attorney, according to the best of my Knowledge and Ability. SO HELP ME GOD.

And upon such qualification had, and Oath taken, such Attornies, as well as those who have heretofore obtained Licenses, may act as Attornies during their good Behavior.

VIII. And be it further Enacted, by the Authority aforesaid, That all real Actions, Actions of Ejectment, Trespass, Quare Clausum Fregit, Suits on Penal Statutes, and Pleas of the State, shall be commenced in the Court of the District wherein the Cause of Action shall arise, or the Offence be committed, and not in any other District; and all Actions of Debt, other than on Penal Statutes, all Actions of Detinue and Replevin, Action of Account Render, Assault and Battery, and for the unlawful taking of Goods, all Actions upon the Case, and Suits for Legacies, and for distributive Shares of Intestates Estates, shall be brought to the Court of the District where both Parties reside; and where the Parties live in different Districts, shall be brought to the Court of either District, at the Option of the Plaintiff: and where the Plaintiff shall reside beyond Seas, or in a different State or Government, shall be brought to the Court of the District where the Defendant resides; and where any Action or Suit shall be brought otherwise than is herein directed, such Action or Suit may be abated, on the Plea of the Defendant.

IX. And be it Enacted by the Authority aforesaid, That no Suit shall be originally commenced in any of the said Courts for any Debt or Demand of less Value than One Hundred Pounds, where the Plaintiff and Defendant live in the same District, or for less than Fifty Pounds, where the Parties live in different Districts: and if any Suit shall be commenced contrary to the true intent and meaning hereof, or if any Person shall demand a greater Sum than is due, on Purpose to evade this Act, in either Case the Plaintiff shall be nonsuited, and pay Costs. Provided always, That if the Plaintiff, or any other Person for him, will make an Affidavit (to be filed in the Court) that the Sum for which his suit shall be brought is really due, but that for want of Proof, or that the Time limited for the Recovery of any Article, bars a Recovery, then, and in that Case, such Plaintiff shall have a Verdict and Judgment for what appears to be legally proved: any Thing herein before mentioned to the contrary notwithstanding. And provided also, That nothing herein contained shall extend, or be construed to extend, to Suits on Bonds, penal Bills, or any other Action of Debt, grounded on a Penalty, where the Balance due on such Bond or penal Bill, or other Action of Debt, is not of less value than the Sums herein before mentioned, to be limited for bringing suits in the said Courts.

X. And be it further Enacted by the Authority aforesaid, That if any Plaintiff, or other Person, shall hereafter swear falsely, in order to obtain a

Recovery in any of the said Courts, he shall, upon Conviction thereof, be adjudged guilty of Perjury, and suffer as in Cases of wilful and corrupt Perjury.

XI. And be it Enacted by the Authority aforesaid, That none of the said Courts, nor any of the Proceedings therein depending, shall be discontinued by Reason of the Death of any of the said Judges, or by their not attending, at any Term; but in such Cases all Pleas, Causes, Matters and Things, therein depending, shall stand continued and remain in the same Condition in which they shall then be, to the next succeeding Term.

XII. And be it Enacted by the Authority aforesaid, That until the Commencement of the first Term of each of the said Courts, original Process may bear Test at the Time of Issuing the same, and such Writs and Process so tested before such Term, shall be valid in Law, any Usage or Practice of Courts to the contrary notwithstanding: And after the first term of each Court, the Clerk or Attorney issuing Process, shall mark thereon the Day on which the same shall be issued, and the Sheriff or other Officer receiving the same, in order to execute, shall in like Manner mark on each Process the Day on which he shall have received it; and every Clerk, Attorney, Sheriff, or other Officer, neglecting so to do, shall forfeit and pay the Sum of Fifty Pounds; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by any Person who shall sue for the same, with Costs.

XIII. And be it further Enacted by the Authority aforesaid, That all Writs and other Process (except Subpoenas for Witnesses returnable immediately) shall be returned the First Day of the Term to which the same shall be returnable, and shall be executed at least Ten Days before the Beginning of such Term; and if any Original or Mesne Process shall be taken out within Ten Days before the Beginning of any Term, such Process shall be made returnable to the Term next succeeding that which shall commence within Ten Days after taking out such Process, and not otherwise; and all Process made returnable at any other Term, or executed at any other Time, or in any other Manner, than by this Act is directed, shall be adjudged void upon the Plea of the Defendant.

XIV. Provided nevertheless, That nothing herein contained shall be construed to invalidate or vacate any Process, Warrant or Precept, to be issued by any of the Judges of the said Courts, or any Justice of the Peace, or Clerk of any Court, on any criminal Prosecution on Behalf of the State, but that the same may be issued at any time, and made returnable to any Day of the Term; and the Proceedings on Criminal Suits and Prosecutions shall be agreeable to the Practice heretofore in Use in this Territory, except where the same is or may be otherwise directed, any Thing herein contained to the contrary notwithstanding.

XV. And be it Enacted by the Authority aforesaid, That when any Writ shall issue from any of the said Courts, whereby any Sheriff, or other Officer, shall be commanded to take the Body of any Person or Persons, to answer to any Action in any of the said Courts, such Sheriff shall take Bond, with two sufficient Securities, in double the Sum for which such Person or Persons shall be held in Arrest (Executors, Administrators, and Persons sued on such penal Statutes as do not expressly require Bail, excepted) and shall return such Bond with the Writ; and in Case the Sheriff shall fail or neglect to take such Bail, or the Bail returned be held insufficient, on Exception taken and entered the same Term to which such Process shall be returnable, the Sheriff having due Notice thereof, he shall be deemed and stand as spec-

ial Bail, and the Plaintiff may proceed to Judgment, according to the Rules herein after prescribed.

XVI. And be it Enacted by the Authority aforesaid, That all Bail Bonds returned to any of the said Courts, shall be assigned by the Sheriff returning the same, by Indorsement thereon, in following Form, to-wit, "I, A. B. Sheriff of ———— County, do hereby assign the within Obligation and Condition to C. D. the Plaintiff therein named, his Executors and Administrators, to be sued for according to the Statute in such Case made and provided. In Witness whereof, I have Hereunto set my Hand and Seal, the ———— Day of ———— in the Year of our Lord One Thousand Seven Hundred and ———." And every Sheriff failing to make such Assignment, shall be deemed, held, and taken as special Bail, in the same Manner as if no Bail Bond had been returned.

XVII. And be it Enacted by the Authority aforesaid, That when any Sheriff shall return that he hath taken the Body of any Defendant, and committed him to the Prison of his County (which is here declared to the proper Prison for such Commitment) the Plaintiff may enter the Defendant's Appearance, and he shall be at Liberty to plead as if such Appearance had been entered by himself, and the Plaintiff may proceed to Judgment as in other Cases in this Act directed; nevertheless the Defendant shall not be Discharged out of Custody, but by putting in Bail, or Rule of Court.

XVIII. And be it Enacted by the Authority aforesaid, That all Bail taken according to the Directions of this Act, shall be deemed, held and taken to be special Bail, and as such liable to the Recovery of the Plaintiff; but the Plaintiff, after final Judgment, shall not take out Execution against such Bail, until an Execution be first returned that the Defendant is not to be found in his proper County, and until a Scire Facias hath been made known to the Bail, which Scire Facias shall not issue till such Execution shall have been so returned; and after Return of such Execution against the Principal, and Scire Facias against the Bail, Execution may issue against the Principal and Securities, or any of them, or any of their Estates, unless the Bail shall surrender the Principal before the return of the first Scire Facias, or shall appear and plead upon the Return thereof; any Law, Custom, or Practice, to the contrary thereof, in any wise, notwithstanding.

XIX. And it is hereby Enacted by the Authority aforesaid, That the Bail shall have Liberty, before final Judgment obtained against him, to surrender to the Court from which the Process issued, or to the Sheriff returning such Process during the Sitting of such Court, or to the Sheriff in the Recess of such Court, the Principal in Discharge of himself; and such Bail shall, at any Time before such Judgment had, have full Power and Authority to arrest the Body of his Principal, and secure him until he shall have an Opportunity to surrender him to the Sheriff who made the Arrest, or to the Court to which the Process was returnable, and such Sheriff is hereby required to receive such Surrender, and hold the Body of the Defendant in Custody, as if Bail had never been given.

XX. And be it Enacted by the Authority aforesaid, That when any Scire Facias shall by the proper Officer be returned to have been made known to the Bail, and they in Consequence thereof shall appear, they shall be obliged to plead, and the issue shall be tried the same Term to which the Process shall be returned, unless sufficient Cause be shewn to the Court to the contrary; but the Bail shall not be admitted to plead non est Factum, unless they first file an affidavit of the Truth of their Plea.

XXI. Provided nevertheless, That if any Sheriff shall return on a Scire Facias to him directed, that the Principal is imprisoned by Virtue of any

Process civil or criminal, the Court to which such Scire Faciac is returnable shall, on Motion of the Plaintiff, or Bail, order and direct that such Principal be retained where he or she shall be a Prisoner, until the Plaintiff's judgment and Cost shall be paid, or he or she otherwise discharged by due Course of Law; a Copy of which Order being served on the Keeper of such Prison before such Prisoner's Releasement, shall be a sufficient Authority for him to retain such Prisoner until such Order be complied with, and shall be deemed a surrender of the Principal, and a Discharge of the Bail.

XXII. And for the better ascertaining what Process shall issue when the Sheriff shall return that the Defendant is not to be found within his County, Be it Enacted by the Authority aforesaid, That when the Sheriff shall make such return in any civil action, the Plaintiff may at his election sue out an Attachment against the Estate of such Defendant, or an Alias or Pluries Capias, until he be arrested, returnable in the same Manner as original Process; and if the Sheriff shall return any Goods by him attached, and the Defendant shall fail to appear and plead within the Time herein directed, the Plaintiff shall be intitled if in an Action of Debt, to final Judgment, and if in an Action on the Case, to an interlocutary Judgment, and in Consequence thereof may execute a Writ of Inquiry the next succeeding Term; and the Goods so attached, if not replevied or sold, according to the Rules herein after prescribed for goods taken on original attachments, shall remain in the Custody of the Sheriff until final Judgment, and then be disposed of in the same Manner as Goods taken in Execution on a Writ of Fieri Facias; and if the judgment shall not be satisfied by the Goods attached, the Plaintiff may have Execution for the Residue.

XXIII. And be it Enacted by the Authority aforesaid, That in Case any Plaintiff shall obtain Judgment final at the first Term to which the Process shall be returnable on an Action of Debt, it shall be lawful for him to execute his Inquiry as to the Value of any foreign Currency or Money for which the Suit may be brought, at the same Term in which such Judgment shall be entered or obtained.

XXIV. And be it Enacted by the Authority aforesaid, That upon any Complaint being made on Oath, to any of the Judges of the said Courts, or to any Justice of any of the County Courts, by any Person or Persons his, her, or their Attorney, Agent or Factor, that any Person hath removed, or is removing him or herself out of the County privately, or so absconds or conceals himself or herself that the ordinary process of Law cannot be served on such Debtor, and if such Plaintiff, his, her, or their Attorney, Agent, or Factor, further swears to the Amount of his, her, or their Debt or Demand, to the best of his, her, or their Knowledge and Belief, it shall be lawful for such Justice, and he is hereby impowered and required, to grant an Attachment against the Estate of such Debtor, wherever the same may be found, or in the Hands of any Person or Persons indebted to, or having any of the Effects of the Defendant, or so much thereof as shall be of value sufficient to satisfy the Debt or Demand, and Costs of such Complaint; which Attachment shall be returned to the Court where the Suit is cognizable and shall be deemed the leading Process in such Action, and the same Proceedings shall be had thereon as on Judicial Attachments.

XXV. Provided always, That every such Justice, before granting such Attachment, shall take Bond and Security of the Party for whom the same shall be issued, his, her, or their Attorney, Agent or Factor, payable to the Defendant, in double the Sum for which the Complaint shall be made, conditioned for satisfying all Costs which shall be awarded to such Defendant in Case the Plaintiff shall be cast in the Suit, and also all Damages which

shall be recovered against the Plaintiff in any Suit or Suits which may be brought against him, for wrongfully suing out such Attachment; which Bond, together with the Affidavit of the Party complaining, subscribed with his proper Name, shall be returned by the Justice taking the same to the Court to which the Attachment is returnable; and every Attachment issued without Bond and Affidavit taken, and returned as aforesaid, shall be abated on the Plea of the Defendant.

XXVI. And for the Ease and Convenience of Creditors and others who may be injured as aforesaid, and to remove Doubts with Respect to the Authority of the Justices of the County Courts in issuing Attachments; Be it Enacted by the Authority aforesaid, That it shall and may be lawful for any Justice of the County Courts, upon Complaint made to him by any Person or Persons as aforesaid, to issue Attachments under the Rules and Regulations before mentioned, and make the same returnable to any of the said Courts where the same is cognizable; any Law, Usage, or Custom, to the contrary notwithstanding.

XXVII. And be it Enacted by the Authority aforesaid, That when any Person who shall be an Inhabitant of any other Government, so that he cannot personally be served with Process, shall be indebted to any Person a Resident of this State, and hath any Estate within the same, any of the said Justices may grant an Attachment against the Estate of such foreign Person, under the Rules, Restrictions, and Regulations, before mentioned, and the same Proceedings may be had thereon.

XXVIII. And be it Enacted by the Authority aforesaid, That when any Goods, or other Estate, shall be attached by Virtue of any Attachment, whether judicial or original, it shall and may be lawful for the Defendant or Defendants, his, her, or their Attorney, Agent or Factor, to replevy the same, by giving Bond, with sufficient Security, to the Sheriff, or other Officer serving such Attachment; which said Bond the Sheriff, or other Officer, is hereby impowered and required to take, to appear at the Court to which such Attachment is returnable, and to abide by, perform and satisfy, the Order and Judgment of such Court; and when the Estate attached shall by Three Justices of the County Court, to be summoned by the Sheriff for that Purpose, be certified on Oath to be perishable, and the Person or Persons to whom it belongs, his, her, or their Attorney, Agent, or Factor, shall not within Sixty Days after the serving of such Attachment replevy the same, then such Estate shall be sold at public Vendue by the Sheriff, or other officer, he having first advertised such sale at the Court House, and other public Places in his County, at least Ten Days before the Sale; and the Money arising by such Sale shall be liable to the Judgment obtained upon such Attachment, and deposited in the Hands of the Clerk of the Court to which the Process shall be returnable, there to wait the Event of such Judgment; and where the Sheriff, or other Officer, shall serve an Attachment in the Hands of any Person or Persons supposed to be indebted to, or supposed to have any of the Effects of the Party absconding or residing out of this State, he shall at the same Time summon such Person or Persons as a Garnishee or Garnishees, in Writing, to appear at the Court to which the Attachment shall be returnable, within the first Four Days of the First Term thereof, there to answer upon Oath what he or she is indebted to the Defendant, and what Effects of the Defendant he or she hath in his or her Hands, and had at the Time of serving such Attachment, and what Effects or Debts of the Defendant there are in the Hands of any other, and what Person to his or her Knowledge and Belief; and where any Attachment shall be served in the Hands of any Garnishee in Manner aforesaid, it shall be law-

ful, upon his or her Appearance and Examination, to enter up Judgment, and award Execution against any such Garnishee, for all Sums of Money due to the Defendant from him or her, and for all Effects and Estate of any Kind belonging to the Defendant in his or her Possession or Custody, for the Use of the Plaintiff, or so much thereof as shall be sufficient to satisfy the Debt and Costs, and all Charges incident on levying the same; and all Goods and Effects whatsoever in the Hands of any Garnishee or Garnishees belonging to any Defendant, shall be liable to satisfy the Plaintiff's Judgment, and shall be delivered to the Sheriff, or other Officer serving the Attachment; and where any Garnishee shall be returned by the Sheriff, or other Officer, summoned in Manner aforesaid, and shall fail to appear and discover, on Oath, as by this Act is directed, it shall be lawful for the Court, after solemnly calling the Garnishee, and such Court is hereby authorized and required, to enter a conditional Judgment against such Garnishee, and upon such Judgment so entered, a Scire Facias shall issue against such Garnishee, returnable the next Term, to shew Cause, if any he hath, why final Judgment should not be entered against him; and upon such Scire Facias being duly executed and returned, if such Garnishee shall fail to appear at the Next Term, and discover, on Oath, in Manner aforesaid, the Court shall confirm such Judgment, and award Execution for the Plaintiff's whole Judgment and Costs; and if upon the Examination of any Garnishee, it shall appear to the Court that there is any of the Defendant's Estate in the Hands of any Person or Persons who have not been summoned, such Court shall, upon Motion of the Plaintiff, grant a Judicial Attachment, to be levied in the Hands of such Person or Persons having any of the Estate of the Defendant in his, her, or their Custody or Possession, who shall appear and answer, and be liable as other Garnishees.

XXIX. And whereas divers Persons residing in other States or Governments, possessed of Lands, Tenements, and Hereditaments, in this State, may have contracted, or may contract Debts with the Inhabitants of this State, without having personal Estate in the same to satisfy such Debts and Damages; and whereas by the Policy and Genius of our present Constitution, Lands and Tenements ought to be made subject to the Payment of just Debts, when the Debtor hath not within the Limits of this State Goods and Chattels sufficient to satisfy the same; Be it therefore Enacted, by the Authority aforesaid, That all Process which heretofore issued against Goods, Chattels, Lands and Tenements, shall for the future issue in the same Manner, and such as issued only against Goods and Chattels, shall hereafter issue against Lands and Tenements, as well as Goods and Chattels; and the Sheriff, upon such Attachment, Execution or other Process, shall proceed to levy the same upon the Goods and Chattels of the Defendant, in the first instance, if any there be; but if to the best of his Knowledge there be no such Goods and Chattels, or not sufficient to answer the Plaintiff's Demand, he shall execute the same upon the Lands and Tenements to the Amount of the whole Debt, or of so much as may remain more than the Value of the Goods and Chattels so found, and such Lands and Tenements shall be liable, under the Restriction aforesaid, to be sold to satisfy the Judgment of the Plaintiff; and where any Sheriff shall have levied Process upon Lands and Tenements, in Manner aforesaid, and Judgment shall have been thereupon had, he shall not proceed to sell the same, until in the most public place in his Bailiwick he shall, Forty Days at least before the Day of Sale, have advertised the same.

XXX. Provided always, That it shall be lawful for any Person, against whose Estate any Attachment hath issued as aforesaid, his or her Attorney

Agent or Factor, at any Time before final Judgment entered, or Writ of Inquiry executed, upon giving special Bail, to replevy the Estate so attached, and plead to issue, so that the Plaintiff is not thereby delayed of his Trial. And provided also, That no Judicial Process shall be issued against the Estate of any Person residing without the Limits of this State, unless such Process is grounded on an original Attachment, or unless the leading Process in the Suit has been executed on the Person of the Defendant when within the State.

XXXI. And to prevent Errors in issuing Attachments, and taking Bonds thereupon, Be it Enacted, by the Authority aforesaid, That the Attachment shall be in the following Form, that is to say,

The State of North Carolina,

To the Sheriff of ———— County, Greeting:

Whereas A. B. (or A. B. Attorney, Agent or Factor, as the Case may be, of C. D.) hath complained, on Oath, to ———— Esquire, Justice of the Superior Courts of Law, or of the County Court of ———— that E. F. ———— is justly indebted to him (or to the said A. B.) to the amount of ———— and Oath having been also made that the said E. F. hath removed, or is about to remove himself out of your County, or so absconds or conceals himself that the ordinary Process of Law cannot be served on him, (or is an Inhabitant of another Government, if the case is so) and the said ———— having given Bond and Security, according to the Directions of the Act of the General Assembly in such Case made and provided: We therefore command you that you attach the Estate of the said E. F. if to be found in your County, or so much thereof, repleviable on Security, as shall be of Value sufficient to satisfy the said Debt and Costs, according to the Complaint; and such Estate so attached, in your Hands to secure, or so to provide that the same may be liable to further Proceedings thereupon, to be had at the Court to be held for ———— of ———— at ———— on the ———— Day of ———— next, so as to compel the said E. F. to appear and answer the above Complaint of the said ———— when and where you shall make known to the said Court how you shall have executed this Writ. Witness ———— Esquire, Justice of the said ———— Court, at ———— the ———— Day of ———— in the ———— Year of American Independence.

Which attachment shall be signed and sealed by the Justice granting the same. And the Bond to be given on obtaining such Attachment shall be in the following Form, to-wit,

Know all Men, by these Presents, that We ———— all of the County of ———— are held and firmly bound unto ———— in the Sum of ———— to be paid to the said ———— his certain Attorney, Executors, Administrators, or Assigns. For which Payment well and truly to be made we bind ourselves, and each of us, our and each of our Heirs, Executors and Administrators, jointly and severally, firmly by these Presents. Sealed with our Seals, and dated the ———— Day of ———— in the Year of our Lord One Thousand Seven Hundred and ————.

The Condition of the above Obligation is such, that whereas the above bounden ———— hath the Day of the Date hereof prayed an Attachment, at the Suit of ———— against the Estate of the above named ———— for the sum of ———— and hath obtained the same, returnable to the ———— Court to be held at ———— on the ———— Day of ———— next: Now if the said ———— shall prosecute his said Suit with Effect, or in Case he fail therein, shall well and truly pay and satisfy to the said

———— all such Costs and Damages as shall be awarded and recovered against the said ————, his Heirs, Executors, or Administrators, in any Suit or Suits which may be hereafter brought for wrongfully suing out the said Attachment; then the above Obligation to be void; otherwise to remain in full Force and Effect.

XXXII. Provided nevertheless, That no Attachment shall be abated for want of Form, if the essential Matters expressed in the foregoing Precedent be set forth in such Attachment.

XXXIII. And be it Enacted, by the Authority aforesaid, That in all Suits commenced or prosecuted by Attachment against the Estate of Persons residing out of the Government, the Court to which the same shall be brought shall stay all Proceedings in such Suits for so long Time as they may think necessary, not exceeding one Year from the time of the Return of such Process, and where it can be conveniently done, Notice shall issue from the Court to the Defendant; and if the Defendant appear, put in Bail, and plead within the Time furnished for his Appearance, in such Case his Estate shall be liberated, and the Garnishee discharged; and it shall be lawful for the Jury to give in Damages legal Interest upon the Plaintiff's Recovery, during the Time of such extraordinary Continuances, even in Cases where Interest is not usually allowed in the Courts.

XXXIV. And be it Enacted by the Authority aforesaid, That the following Rules and Methods shall be observed in the said Courts, to-wit:

The Plaintiff shall file his declaration in the Clerk's office on or before the second Day of the Term to which his Suit shall be brought, and serve the Defendant with a Copy at least five Days before the Commencement of such Term otherwise the Action may be abated on the Plea of the Defendant.

The Defendant shall appear and plead, or demur, within the first Three Days of the Term to which the Writ shall be returnable, otherwise the Plaintiff may have Judgment by Default, which in Actions of Debt shall be final, unless where Damages are suggested on the Roll; and in that Case, and in all others not herein specially provided for, where the Recovery shall be in Damages, a Writ of Inquiry shall be executed at the next succeeding Term. Provided, That where the Nature of the Action requires special Pleading, the Time for Pleading may be enlarged.

Where the Defendant pleads specially, the Plaintiff shall reply or demur within Three Days, or a Non Pros may be entered by the Defendant; and if the Plaintiff replies, and in the Replication tenders an Issue, the Defendant shall join Issue, or demur in Three Days, otherwise the Plaintiff may have Judgment; and where the Defendant rejoins to the Plaintiff's Replication, he shall file his Rejoinder within Three Days, or Judgment shall go against him, unless the Time for Pleading shall be enlarged as aforesaid; and the same Time shall be given, and Rules observed, through the whole Course of the Pleadings.

Where a special Verdict shall be found, a Case agreed, a Demurrer filed, or a Bill of Exceptions to the Evidence tendered, Time shall be allowed, upon Motion of either party, to the next Term to argue the same.

For the better Preservation of the Records of the Courts when any Cause is finally determined, the Clerk of each Court shall enter all the Proceedings therein in a Book well bound, and an entire and perfect Record make thereof.

All Jury Causes shall be first tried.

All motions in Arrest of Judgment shall be argued within the Three last

Days of the Term in which the Issue shall be tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons in Arrest of Judgment the Day immediately following that on which such Motion shall be made.

Arguments on Writs of Error, special Verdicts, Cases agreed, Demurrers, Petitions for Legacies, and Distributions of Intestates Estates, shall be heard upon the four last Days of the Term.

No Plea in Abatement shall be received in any of the said Courts, unless the Party offering the same shall by Affidavit, or otherwise, prove the Truth of such Plea.

Where a Plea in Abatement shall be pleaded, and upon Argument for same shall be adjudged insufficient, the Plaintiff shall recover against the Defendant full Costs to the Time of overruling such Plea, including the Costs of Court; and the Plaintiff in Replevin, or Defendant in any other Action, may plead as many several Matters as may be necessary for his Defence, so that he not admitted to plead and demur to the whole.

XXXV. And be it Enacted by the Authority aforesaid, That all the Statutes of England and Great Britain for the Amendment of the Law, commonly called Statutes of Jeofails, and which were heretofore enforced in this Territory by any Act or Acts of the General Assembly under the late Government, are hereby declared to have continued, and to be now in full Force in this State, and shall be duly observed by all Judges and Justices of the several Courts of Record within the same, according to the true Intent and Meaning of the said Statutes, unless where the same are or may be altered by this or any other Act.

XXXVI. And be it Enacted by the Authority aforesaid, That for taking the Testimony of Witnesses in all Causes which may be depending in the Superior and County Courts, the following Rules shall be observed and put in Practice, to-wit

In all Suits where Witnesses are to appear at any of the said Courts, the Clerk, at the Request of the Party, shall issue a Subpoena, directed to the Sheriff, or other officer of the County where such Witness or Witnesses are said to reside, mentioning the Time and Place for his, her, or their Appearance, the Names of the Parties to the Suit wherein the Testimony is to be given, and the Party at whose Instance such Witness or Witnesses is or are summoned.

Every Subpoena made returnable immediately shall be issued only in Term Time, and shall be personally served on the Witness or Witnesses therein named.

A Copy of every Subpoena issued by the Clerks in the Vacation, in Case the Witness or Witnesses therein named is or are not to be found, may be left at their usual Places of Residence; and such Copy, certified by the Sheriff or other Officer, left as aforesaid, shall be deemed a legal Summons, and the Person or Persons therein named shall be bound to appear in the same Manner as if personally summoned.

XXXVII. And be it Enacted by the Authority aforesaid, That every Witness being summoned to appear in any of the said Courts, in Manner as herein before directed, shall appear accordingly, and continue to attend from Term to Term, until discharged by the Court, or the Party at whose Instance such Witness shall be summoned; and in Default thereof, shall forfeit and pay to the Party at whose Instance the Subpoena issued, the Sum of Fifty Pounds, and shall be further liable to the Action of such Party for the

full Damages which may be sustained for want of such Witness's Testimony, who shall recover the same by Scire Facias, with Costs.

XXXVIII. Provided, always, That if it shall so happen that the Suit depending shall in the Vacation be accommodated and settled between the Parties, and the Party at whose Instance such Witness was summoned should neglect or omit to discharge him or her from further Attendance, and he or she, for want of such Discharge, should attend at the next Term, then, and in that Case, the Witness, upon Oath made of the Facts, shall be intitled to a Ticket from the Clerk in the same Manner as other Witnesses, and shall recover from the Party at whose Instance he was summoned, the same Allowance which by this Act is given to Witnesses for their Attendance at the said Court, with Costs. Provided also, That if any Witness shall hereafter swear falsely, in order to obtain a Ticket; he shall upon Conviction be adjudged guilty of Perjury, and suffer as in Cases of Corrupt and wilful Perjury. And provided further, That if sufficient Cause be shewn by the Person so summoned, and failing to appear, of his or her Incapacity to attend at the Time and Place mentioned in the Subpoena, then no Forfeiture or Penalty shall be incurred by such Failure; but if on Notice given by the Court, sufficient Cause be not shewn at the next succeeding Term after such Failure, it shall and may be lawful for such Court, on Motion, to grant Judgment, and award Execution, for the Forfeiture before mentioned, against the Person so summoned and failing to appear as aforesaid.

XXXIX. And be it further Enacted, by the Authority aforesaid, That when any Person who may be a Witness in any Cause in any of the said Courts, shall reside out of this State, or shall by Reason of Age, bodily Infirmity, or any other Cause, be incapable of attending to give his Testimony in Court, Oath thereof being made, or the Truth of the Matter otherwise appearing, the Judge or Judges of the Court wherein such Suit is depending shall and may, by Commission, impower such and so many Persons as may be thought necessary to take and receive the Deposition of such Witness, which being duly taken and returned as herein after is directed, shall be received as legal Testimony.

XL. Provided always, That the Party praying such Commission shall give such Notice to the adverse Party of the Time and Place when and where such Commission is to be executed, as the Court shall think proper; and the adverse Party shall have Power to cross examine any Witness whose Deposition shall be so taken, and all Depositions otherwise taken than as herein is directed, unless by Consent of Parties, shall be void to all Intents and Purposes.

XLI. And be it further Enacted by the Authority aforesaid, That if any Person who may be a witness in any Cause depending in any of the said Courts, shall be under a Necessity of leaving this State before such Cause is to be tried, or even before such Cause shall be at Issue, upon Oath thereof made before any of the Justices of the said Courts, such Justice is hereby impowered to order the Clerk of the Court where such Cause is depending to issue a Commission to one or more Persons to take the Deposition of such Witness, Notice being first given to the adverse Party of the Time and Place when and where such Deposition is to be taken, at least Ten Days previous to the Time of executing such Commission; which Deposition when returned; taken in Manner aforesaid, shall be received as legal Evidence.

XLII. And be it further Enacted, by the Authority aforesaid, That if any Person who shall be summoned as a Witness in any of the said Courts, or before any persons appointed to take depositions as aforesaid, shall refuse to give Testimony on Oath, such Person so refusing shall by the Court,

or by the Commissioner before whom he shall be summoned, be committed to the common Prison, there to remain, without Bail or Mainprize, until he shall be willing to give Testimony, in such Manner as the Law doth or may direct. Provided, The People called Quakers shall have the Liberty of giving their Testimony by Way of Solemn Affirmation, in all Causes whatsoever, criminal as well as civil. And provided also, That all Negroes, Indians, Mulattoes, and all Persons of mixed Blood, descended from Negro and Indian Ancestors, to the fourth Generation inclusive (though one Ancestor of each Generation may have been a white Person) whether Bond or free, shall be deemed and taken to be incapable in Law to be Witnesses in any Case whatsoever, except against each other.

XLIII. Be it Enacted by the Authority aforesaid, That every Witness being summoned to appear in any of the said Courts on a criminal Prosecution, or Plea of the State, shall appear accordingly, and continue to attend from Day to Day until discharged by the Court, the Attorney for the State, or the Party at whose Instance he shall be summoned; and in Default thereof, shall forfeit and pay the Sum of One Hundred Pounds, for the Use of the State, unless upon Notice issued and made known, sufficient Cause be shewn for such Failure at the next succeeding Term.

XLIV. And be it further Enacted by the Authority aforesaid, That during the Attendance of any Person summoned as a Witness to any Court whatsoever, and during the Time that such Person is going to, and returning from the Place of such Attendance, allowing one Day for every Twenty-Five Miles such Witness has to travel to and from his Place of Residence, no Sheriff or other Officer shall serve or execute on any Person so attending, going to, or returning from such Court, any Writ or Process, Warrant, Order, Judgment, or Decree, in any Cause (Summons for Witnesses excepted) and if any such shall be executed, the same shall be, and is hereby declared null and void.

XLV. And be it further Enacted by the Authority aforesaid, That for every Mile any Witness shall travel, either going to or coming from the Court to which such Witness shall be summoned to appear, there shall be paid to him, by the Party at whose Instance the Subpoena shall have issued, Two Pence Half-penny per Mile, together with the necessary Ferriages, and Six Shillings per Day for every Day he shall attend, until he shall have given Testimony, or shall be discharged. Provided, That in any Bill of Costs there shall not be allowed the Charge of more than Two Witnesses to any particular Matter of Fact.

XLVI. And be it Enacted by the Authority aforesaid, That the Clerks of the said Courts are hereby impowered and directed to take Probate of all Evidence Tickets upon Oath, and certify the same.

XLVII. And be it further Enacted by the Authority aforesaid, That the said Courts shall have power and Authority to grant Writs of Error for correcting the Errors of the Inferior Court, and the party praying such Writ, before the same shall issue, shall assign Error, and give Bond and Security, to the Satisfaction of the Court, to abide by, perform and fulfil, the Judgment which shall be given thereon by such Court; and if upon Argument of any Writ of Error, or Trial of any Appeal from an Inferior Court, the Judgment or Decree of the Inferior Court shall be reversed, the Superior Court shall grant Judgment, or make such Decree thereupon, as should have been made up or entered in such Inferior Court, and shall and may issue Execution thereupon, without granting a Writ of Procedendo; and to prevent the obtaining of Writs of Error by Surprize, the Party praying such Writ in a civil Cause, shall give Notice in Writing to the adverse Party, at least Ten Days before

Motion, of his Intention to move for such Writ, and no such Writ shall be granted without Affidavit of such Notice.

XLVIII. And be it further Enacted, by the Authority aforesaid, That all Causes, Actions, Writs, Suits, Attachments, Plaints, Process, Appeals, Recognizances, and Presentments, whatsoever, which remained undetermined in any of the late Superior Courts within this Territory, or in any of the late Courts of Oyer and Terminer and General Gaol Delivery, held under any Act of Assembly or Ordinance of Congress, or such as shall be returnable to, or had, or shall have Day or Days in any of the said Courts, and other Matters, and Things in them depending, and not fully determined, except for criminal Offences committed before the Declaration of Independence, shall be transferred and put on the Dockets of the respctive Courts hereby established, in the same Order in which they now stand, or ought to stand, on the Dockets of the said late Courts respectively, and shall be proceeded on by the courts hereby established according to the Method by this Act directed, as if they had been originally commenced in any of the same.

XLIX. Provided always, That nothing herein contained shall extend, or be construed to extend, to such Suits as are now upon the Dockets of the said late Superior Courts, and still depending, and which were instituted in the Name of the King of Great Britain, when this Territory was under his Government, and owed Allegiance to him, for Quitrents, and Arrears of Quitrents, said to be due for Lands held of the said King, but that all such Suits shall be dismissed and done away as if the same had never been commenced.

L. And be it further Enacted, by the Authority aforesaid, That in all Cases, wherein by any Act of Assembly heretofore made, Action is given, or Recovery directed to be had, in any of the late Superior Courts within this Territory, Suit may be brought for the same Cause of Action, and Recovery had in the Courts hereby established, and Judgment and Execution shall be awarded, as in other Cases by this Act directed.

LI. And be it Enacted by the Authority aforesaid, That all Writs and other process, and all Suits, Appeals and Proceedings whatsoever, issued, granted, or prosecuted, in the said late Superior Courts, or in the said late Courts of Oyer and Terminer and General Gaol Delivery, wherein Judgment hath been entered, or Decree made, shall and may be taken Cognizance of by the Courts hereby established; and such Courts may respectively award Execution, and other necessary Proceedings on such Judgments and Decrees, in the same Manner as if such Suits had been originally commenced in such Courts; any Law, Custom, or Usage, to the contrary notwithstanding.

LII. And be it further Enacted, by the Authority aforesaid, That where in any of the late Superior Courts, or in any of the late Courts of Oyer and Terminer and General Gaol Delivery before mentioned, any Recognizance has been forfeited, or Fine imposed, and not hitherto levied or paid, it shall and may be lawful for the Courts hereby established, in their respective Districts, to issue Execution for levying the same, after the Party has been served with a Scire Facias, and Judgment awarded against him; and on all Recognizances which shall hereafter be forfeited, and on Fines which shall hereafter be imposed in any of the Superior Courts, the same Process, shall issue, and the Fines or Forfeiture be levied in the same Manner, unless sufficient Cause can be shewn, on the Return of the Scire Facias, why such Fines or Forfeitures should be discharged, or mitigated by the Court.

LIII. And whereas many of the Prisons within this State are Insufficient for the Retention of Persons who may commit Offences against the same, and the Peace and Good Government thereof; therefore, for the speedy Trial

of such Offenders, Be it Enacted by the Authority aforesaid, That the Governor, or Commander in Chief for the Time Being, is hereby impowered and required, by and with the Advice of the Council of State, as often as it shall be found necessary, to issue a Commission to the Justices of the Superior Courts of this State, impowering them, or any of them, to hold a Court of Sessions of the Peace, Oyer and Terminer and General Gaol Delivery, for the Trial of such Offenders; and to hear, try and determine, all Crimes and Misdemeanors, of what Nature or Kind soever, wherewith such Offenders, or any of them, shall stand charged, and to give Judgment, and award Execution thereon.

LIV. And be it further Enacted, by the Authority aforesaid, That the Time elapsed since the Sixth Day of March, One Thousand Seven Hundred and Seventy Three, until the End of the present Session of this General Assembly, shall not be allowed of in the Superior Courts hereby established in any Plea of Limitation, or in the Computation of Time allowed for proving Accounts, under the Act of ascertaining the Method of proving Book Debts.

LV. And be it further Enacted, by the Authority aforesaid, That the Justices of the Peace appointed by this General Assembly at their last Session, and who qualified as such, shall have and hold, and may exercise the Powers of Justices of the Peace, until the Sitting of the next County Court of their respective Counties.

LVI. And be it further Enacted, by the Authority aforesaid, That every Person nominated and appointed a Justice of the Peace, and Justice of any County Court, before entering upon and executing the said Offices, shall publicly, in the Court House of his County, on a Court Day, take the Oaths appointed, or which shall be appointed by the General Assembly, for the Qualification of Public Officers, and also the following Oath, to-wit,

I, A. B. do solemnly swear, that as a Justice of the Peace, and a Justice of the County Court of Pleas and Quarter Sessions in the County of ———— in all Articles in the Commission to me directed, I will do equal Right to the Poor and to the Rich, to the best of my Judgment, and according to the Laws of the State. I will not privately or openly, by myself or any other Person, be of Counsel in any Quarrel or Suit depending before me; and I will hold the County Court and Quarter Session of my County as the Statutes in that Case shall and may direct. The Fines and Amerciaments that shall happen to be made, and the Forfeitures that shall be incurred, I will cause to be duly entered, without Concealment. I will not wittingly or willingly take by myself, or by any other Person for me, any Fee, Gift, Gratuity, or Reward whatsoever, for any Matter or Thing by me to be done by virtue of my Office, except such Fees as are or may be directed and limited by Statute; but well and truly I will do my office of a Justice of the Peace, as well within the County Court of Pleas and Quarter Sessions as without. I will not delay any Person of Common Right, by Reason of any Letter or Order from any Person or Persons in Authority to me directed, or for any other Cause whatever; and if any Letter or Order come to me contrary to Law, I will proceed to enforce the Law, such Letter or Order notwithstanding. I will not direct, or cause to be directed, any Warrant by me to be made to the Parties; but will direct all such Warrants to the Sheriff or Constable of the County, or other the Officers or Ministers of the State, or other indifferent Persons, to do Execution thereof. And finally, in all Things belonging to my Office, during my Continuance therein, I will faithfully, truly, and justly, according to the best of my skill and Judgment, do equal and impartial Justice to the Public and to Individuals. SO HELP ME GOD.

And if any Person whatsoever shall presume to execute the Office of a Jus-

tice of the Peace, or the Office of a Justice of any County Court, without first qualifying himself in the Manner by this Act required, he shall for every such Offence forfeit and pay the Sum of One Hundred Pounds, one Moiety thereof to the State, towards the Support of Government, and the other Moiety to him or them who will sue for the same; to be recovered, with Costs, by Action of Debt, in any Court where the same may be cognizable.

LVII. And be it Enacted by the Authority aforesaid, That the said County Courts of Pleas and Quarter Sessions shall be constantly held upon the following Days, to-wit, For the County of Anson, on the First Mondays in January, April, July and October. For Mecklenburg, on the Second Mondays in January, April, July, and October. For Tryon, on the Third Mondays in January, April, July, and October. For Burke, on the Fourth Mondays in January, April, July, and October. For Rowan, on the First Mondays in February, May, August, and November. For Surry, on the Second Mondays in February, May, August, and November. For Guilford, on the Third Mondays in February, May, August, and November. For Washington, on the Fourth Mondays in February, May, August, and November. For Granville, on the First Mondays in February, May, August, and November. For Chatham, on the Second Mondays in February, May, August, and November. For Wake, on the Third Mondays in February, May, August, and November. For Orange, on the Fourth Mondays in February, May, August, and November. For Caswell, on the First Mondays in March, June, September, and December. For New Hanover, on the First Mondays in January, April, July, and October. For Onslow, on the Second Mondays in January, April, July, and October. For Duplin, on the Third Mondays in January, April, July, and October. For Cumberland, on the Fourth Mondays in January, April, July, and October. For Bladen, on the First Mondays in February, May, August, and November. For Brunswick, on the Third Mondays in March, June, September, and December. For Bute, on the Second Mondays in February, May, August, and November. For Halifax, on the Third Mondays in February, May, August, and November. For Edgecombe, on the Fourth Mondays in February, May, August, and November. For Nash, on the First Mondays in January, April, July, and October. For Northampton, on the First Mondays in December, March, June, and September. For Martin, on the Second Mondays in December, March, June, and September. For Perquimons, on the Third Mondays in January, April, July, and October. For Currituck, on the First Mondays in March, June, September, and December. For Pasquotank, on the Third Mondays in March, June, September, and December. For Chowan, on the Fourth Mondays in March, June, September and December. For Tyrrell, on the Third Mondays in February, May, August, and November. For Bertie, on the Second Mondays in February, May, August and November. For Hertford, on the Fourth Mondays in February, May, August, and November. For Cambden, on the Second Mondays in March, June, September, and December. For Beaufort, on the First Mondays in March, June, September, and December. For Craven, on the Second Mondays in March, June, September, and December. For Johnston, on the last Mondays in February, May, August, and November. For Carteret, on the Third Mondays in March, June, September, and December. For Hyde, on the last Mondays in February, May, August, and November. For Pitt, on the Fourth Mondays in January, April, July, and October. For Dobbs, on the First Mondays in January, April, July, and October. For Wilkes, on the First Mondays in March, June, September, and December.

LVIII. Provided nevertheless, That if the Business of any of the said Courts

cannot be determined on the Day of the Term, the Justices may adjourn from Day to Day, not exceeding Six Days; at the End of which Time, the Causes and Matters which may be depending before them, and not then finally determined, shall be continued to the next succeeding Term.

LIX. Provided also, That if by Reason or Indisposition, or other Inability, bad Weather, or other Accidents, it shall so happen that a sufficient Number of Justices shall not meet for holding the said Courts, or any of them, on the Days by this Act appointed, in such Case it shall and may be lawful for any one Justice to adjourn the Court whereof he shall be a Member from Day to Day, not exceeding Three Days, until a sufficient Number of Justices can attend to hold the Court.

LX. And be it further Enacted, by the Authority aforesaid, That none of the said County Courts, nor any Process in any of them depending, shall be discontinued for or by Reason of the Justices failing to hold Court upon the Day by Law appointed, or of any Alteration of any of the Days appointed for holding the said Courts, but in every such Case, all such Process, Matters, and Things depending, shall stand continued, and all Appearances upon Returns of Process shall be made to the next succeeding Term in Course, in the same Manner as if such succeeding Term had been the same Term to which such Process had stood continued, or such Returns or Appearances had been made; and all Recognizances, Bonds, and Obligations for Appearances, and all Returns, shall be of the same Force and Validity for the Appearance of any Person or Persons at such succeeding Term, and all Summonses for Witnesses as effectual, as if the next succeeding Term had been expressly mentioned therein.

LXI. And be it Enacted, by the Authority aforesaid, That the Justices of the said County Courts of Pleas and Quarter Sessions, or any Three of them, shall and may take Cognizance of, and are hereby declared to have full Power and Authority, and Jurisdiction, to hear, try and determine, all Causes whatsoever at the Common Law, within their respective Counties, where the Debt, Damages, or Cause of Action is above Five Pounds, (Actions of Trespass in Ejectment, Formedon in Descender, Remainder and Reverter, Dower, Partition, Perjury, and such Felony and Criminal Causes where the Judgment, upon Conviction, shall be for the Loss of Life, Limb, or Member, excepted) and all Petit Larcenies, Assaults, Batteries, and Trespasses, (other than such Trespasses where the Title of Freehold may come in Question) Breaches of the Peace, and other Misdemeanors of what Kind soever, of an inferior Nature; and all Actions of Detinue, Trover, and on Penal Statutes, Suits for filial Portions, Legacies, and distributive Shares of Intestates Estates, and all other Matters relating thereto: And the said Justices of the Peace, and every of them, during their Continuance in Office, as well within their County Courts of Pleas and Quarter Sessions as without, shall have full Power and Authority as amply and fully to all Intents and Purposes as any Justice of the Peace in this Territory had, or ought to have had, by Virtue of any Act or Acts of Assembly heretofore made under the late Government, to preserve, maintain and keep the Peace within their respective Counties.

LXII. And be it further Enacted, by the Authority aforesaid, That the said Courts of Pleas and Quarter Sessions shall and may, within their respective Counties, take the Probate of Wills, and order the same to be recorded in proper Books to be kept for that Purpose; and the said Courts shall and may make Orders for issuing Letters Testamentary, and Letters of Administration, which Letters shall be signed and issued by the Clerk of the said Court, and may by Summons, upon Application to them made, com-

pell any Person or Persons whatsoever within their respective Counties having in their Possession any Will or Testament of any deceased Person to exhibit the same to the Court for legal Probate thereof; and whoever being legally summoned shall, in Contempt of the Court, refuse to produce any such Will in his or her Possession, or having been in his or her Possession shall refuse to inform the Court, on Oath, where such Will then is, or in what Manner he or she hath disposed of the same, such Person shall, by Order of Court, be committed to the Common Prison of the County there to remain without Bail, or Mainprize until such Will shall be produced and due Submission made to the Court for the Contempt; and the Court shall, and is hereby impowered, in Case of such Persons Removal, to issue such Summons and Process for Commitment, into any County in this State.

LXIII. Provided always, That if any Person who shall claim a Right to execute any Will, or to administer the Estate of any Intestate, and shall think himself injured by Order of Court for Letters Testamentary or of Administration, shall be intitled to an Appeal to the Superior Court of the District where such Order shall be made subject to the same Regulations as in other Cases of Appeal; and such Superior Court is hereby declared to have Cognizance thereof, and shall, at their Sitting next succeeding such Appeal, determine the same, and upon such Determination had, such Court shall proceed to grant the Letters to the Persons intitled to the same, he or she giving Bond, with sufficient Security for the faithful Discharge of the Trust.

LXIV. And for the better Preservation of Wills and other Papers relating to the Estates of deceased Persons, Be it Enacted, by the Authority aforesaid, That all original Wills, Inventories and Accounts of Executors and Administrators, shall remain in the Clerks Office among the Records of the respective Counties where the same shall be proved or exhibited; and to the said Wills, Inventories and Accounts, any Person may have Access as to the other Records, except for the Time they shall or may be removed before any other Court upon the Determination of any Controversy.

LXV. And be it further Enacted, by the Authority aforesaid, That the Clerks of the County Courts of Pleas and Quarter Sessions shall, in the Month of January Annually, return to the Secretary's Office a List of all Orders for Letters Testamentary, and Letters of Administration, granted by the respective Courts in the preceding year, containing the Names of the Testators and Intestates, their Executors and Administrators, and the Names of the Securities for Administration; and also Copies of the Inventories and Accounts exhibited from Time to Time; which Lists and Copies the Secretary is hereby required to have recorded in his Office alphabetically in Books to be kept for that Purpose; and the Secretary shall and may take and receive for the Copy of every such order, and for the Copy of every such Inventory and every such Account, the same Fees which the Clerks of the Courts are or shall be entitled to for such Services, which Fees the Clerk of the Court of Pleas where the Business shall be transacted is hereby impowered to demand and receive, and shall return the same to the Secretary's Office with the Copies of such Order, Inventory and Account respectively.

LXVI. And be it further Enacted, by the Authority aforesaid, That where any Vacancy now is, or shall hereafter happen in the Office of County Clerk, the Court of Pleas and Quarter Sessions of the County where such Vacancy shall be shall appoint a Person of Skill and Probity to fill such Vacancy; and all Clerks of the said Courts shall hold their Offices during their good Behavior therein.

LXVII. And be it Enacted, by the Authority aforesaid, That the Clerks of the several County Courts of Pleas and Quarter Sessions, at the first Court to be holden in their respective Counties after the Expiration of this present Session of the General Assembly, shall each give Bond, with sufficient Security, in the Sum of Two Thousand Pounds, payable to the Justices of the said Courts respectively, and their Successors in Office, for the safe keeping the Records and the faithful Discharge of his Duty in Office; which said Bond shall be lodged in the Secretary Office, and may be assigned and put in Suit, and Recovery had in the same Manner, and according to the like Rules and Restrictions as are herein before prescribed for Suits on Bonds given by Clerks of the Superior Courts; and each of the said County Court Clerks shall at the same Time, take and subscribe the Oath appointed to be taken for the qualification of Public Officers, and the oath of office herein before directed to be taken by Clerks of the Superior Courts: And the Offences herein before mentioned of any Candidate or Person in Nomination for the Office of Clerk of any of the said County Courts shall incur the same incapacities, and the Violation of the Oath of Office in the particulars herein before specified, shall, on Conviction, be attended with the same Penalties, Incapacities and Disabilities, as are in like Cases to be inflicted on Clerks of the Superior Courts, or Candidates or Persons in Nomination for such Clerkships for such Offences and Violation.

LXVIII. And be it Enacted, by the Authority aforesaid, That the County Courts are hereby authorised and required to appoint an Attorney, properly qualified, to act for and in Behalf of the State in each respective County within this State, who shall hold his Office during good Behavior, and shall and may prosecute all Matters cognizable in the County Court of Pleas and Quarter Sessions wherein he shall be appointed, for and in Behalf of the State.

LXIX. And be it Enacted, by the Authority aforesaid, That all Debts and Demands of Five Pounds, and under, where the Ballance due on any Specialty, Contract, Note or Agreement, or for Goods, Wares and Merchandizes sold and delivered, or Work and Labour done, are hereby declared to be cognizable and determinable by any one Justice of the Peace, who may give Judgment and thereupon award Execution against the Goods and Chattels or Body of the Debtor, which shall be executed and returned by the Sheriff, Constable or other Officer, to whom the same may be directed, in the same Manner as other Writs of Fieri Facias or Capias ad Satisfaciendum are to be executed and returned.

LXX. Provided nevertheless, That if either of the Parties shall be dissatisfied with the Judgment given by such Justice, he may appeal to the next County Court of Pleas and Quarter Sessions, first giving Security for prosecuting such Appeal with Effect; and the Cause shall be re-heard and finally determined by the Justices the same Court, without any further Process, in a summary Way without a Jury; and Judgment shall be given thereupon, and the Party cast shall pay the Cost of all the Proceedings, to be taxed by the Court.

LXXI. Provided also, That the Cause shall be tried by, and the Appeal made from such Justice, Five Days at least before the Term to which the Appeal shall be made, otherwise the Cause shall be continued to the next succeeding Term. And provided further, That the Justice before whom the suit was first heard shall, at the Request of the respective Parties, summons such Witnesses to Court as they shall name, but shall not sit in Court or give Judgment on the Appeal.

LXXII. And be it further Enacted, by the Authority aforesaid, That every

Justice of the County Courts shall have Power, and they are hereby authorized and required, upon any Complaint being made by any Person or Persons, for any Debt or Damage, Matter or Thing, cognizable in the County Courts of Pleas and Quarter Sessions of this State, to grant an original Attachment against the Estate of any Person absconding or concealing himself, or removing out of the County privately, returnable to the Court of such County, observing therein the Rules and Restrictions directed for granting original Attachments in the Superior Courts; and all Sheriffs and Coroners shall execute and return the same, and observe the Rules and Directions appointed to be observed in executing Attachments returnable to the Superior Courts; and the like Judgment, Recovery, Remedy, Relief, and Proceedings, shall be had thereupon, as in the like Cases are grantable in the said Superior Courts.

LXXIII. And be it further Enacted, by the Authority aforesaid, That any one Justice of the Peace, in Cases where by this Act he has Jurisdiction, may issue an original Attachment against the Estate of any absconding or absent Debtor, upon the Oath of the Plaintiff, his Agent or Attorney, directed to the Sheriff or any Constable of the County, first taking sufficient Security, as in other Cases of Attachments; and the Proceedings thereon shall be in a summary Way, in the same Manner as on a Warrant, and the defendant may replevy the Goods attached, and either Party may appeal from the Judgment of the Justice, in Manner as is herein before directed.

LXXIV. And be it further Enacted, by the Authority aforesaid, That all original Process, and all subsequent Process thereupon, to bring any Person or Persons to answer to any Action, Suit, Bill or Plaint, in any County Court of Pleas and Quarter Sessions (except Subpoenas for Witnesses, which in Term Time may be made returnable immediately) shall be issued by the Clerk of such Court, and shall be returnable to the First Day of Term, and shall be executed at least Five Days before the Return thereof; and if any Person takes out any Writ or Process whilst such Court is sitting, or within Five Days before the Beginning of the Term, such Writ or Process shall be made returnable to the Term next after that then held, or to be held within Five Days as aforesaid, and not otherwise; and all Writs and Process issued, made returnable, or executed in any other Manner, or at any other Time, than is herein before directed, may be abated upon the Plea of the Defendant.

LXXV. Provided always, That nothing herein contained shall extend, or be construed to extend to invalidate or vacate any Writ, Process, Warrant or Precept, issued by a Justice, or other Officer having Jurisdiction thereof, on any criminal Prosecution, or in Behalf of the State, but the same may be made returnable to any Day in the Term; and the Proceedings in all criminal Cases shall be had according to the Laws and Statutes of this State; and in the Mode heretofore practised within the Limits thereof, under the Laws formerly in Use therein.

LXXVI. And be it further Enacted, by the Authority aforesaid, That when any Writ or Process shall issue to take the Body or Bodies of any Person or Persons, to answer to any Plaintiff in any civil Action in any County Court of Pleas and Quarter Sessions, the Sheriff shall return therewith a Bail Bond, with Two sufficient Securities, for double the Sum for which the Person or Persons shall be held in Arrest (Executors and Administrators, and Persons sued on such penal Statutes as do not expressly require Bail, excepted) to the Clerk, on or before the First Day of Every Term; and if the Sheriff shall not return Bail, or the Bail returned be held insufficient, upon Exception

taken thereto, and entered on the Docket, the same Term to which the Writ shall be returnable, and Notice given that Term to the Sheriff to justify, then, and in such Case, the Sheriff shall be held and stand as special Bail for the Defendant, and the Plaintiff may proceed to Judgment, according to the Rules herein after mentioned; and the Plaintiff, on Recovery, may take out Execution against the Defendant or Sheriff, or both, any Law, Usage, or Custom, to the contrary, notwithstanding. Provided always, That if the Defendant puts in Bail before the Time to plead by the Rules hereafter mentioned is expired, then the Sheriff shall be discharged. Provided also, That the Sheriff may surrender the Defendant in Discharge of himself, at any Time before final Judgment obtained against the said Bail.

LXXVII. And be it further Enacted, by the Authority aforesaid, That where any Judgment or Decree shall be obtained in any County Court of Pleas and Quarter Sessions for any Debt, Damages, Portion, Legacy, or distributive Share of an Intestate's Estate, and the Person against whom such Judgment or Decree shall be obtained shall remove him or herself and Effects, or shall reside out of the Limits of the Jurisdiction of such Court, it shall be lawful for the Clerk of the Court where such Judgment shall be given or Decree made, at the Request of the Plaintiff, to issue Execution to any County of this State where the Defendant or his Goods may be found, and the Sheriff, or other Officer to whom the same may be directed, is hereby impowered and required to execute the same, and make return thereof, in the same Manner as is directed for the Returns of Process issuing from the Superior Courts.

LXXVIII. And for the better ascertaining what Process may be issued where the Sheriff shall return that the Defendant is not to be found in his County, It is hereby Enacted, That when any Sheriff shall make such Return, the Plaintiff in any civil Action may take out an Attachment against the Estate of such Defendant, returnable as is herein before directed for the Return of other Process thereupon to enforce an Appearance, or an Alias or Pluries Capias, until such Defendant be arrested, at the Election of the Plaintiff; and if the Sheriff shall return such Attachment executed, the Plaintiff shall file his Declaration according to the Rules of the Court, and proceed as in other Cases.

LXXIX. And be it further Enacted, by the Authority aforesaid, That the same Rules, Method and Proceedings, shall be had, kept and observed, by the said County Courts of Pleas and Quarter Sessions, and the Officers thereof, in granting, issuing, executing, and returning Process, and awarding Judgment on judicial Attachments, and the like Remedy, Recovery and Relief, against the Sheriffs and Bail, as in like Cases are provided by Law in Suits depending, or to be commenced in the Superior Courts of Law.

LXXX. And for the regular Prosecution and Determination of Suits, entering up Judgments, and Preservation of the Records in the said County Courts of Pleas and Quarter Sessions; Be it Enacted, by the Authority aforesaid, That the following Rules and Methods shall be observed, to-wit,

The Plaintiff in every Suit shall file his Declaration on the First Day of the Term, or First calling of the Cause in Court, and shall also serve the Defendant, or his Attorney, with a Copy thereof, at least Five Days before the Term.

If the Plaintiff fails to file his Declaration, or to appear and prosecute his Suit, the Defendant may enter a Non Pross.

The Defendant shall enter his Appearance, and file his Plea in Writing, whether general or special, the First Term; and if he fails so to do, the Plaintiff shall have Judgment, which in Actions of Debt shall be final, except

where Damages are suggested on the Roll; in which Case, and in all others where the Plaintiff is to recover in Damages, a Writ of Enquiry shall be executed the next succeeding Term.

The Defendant may plead as many several Matters as he may think necessary, so that he be not admitted to plead and demur to the whole.

All Issues, whether general or special, shall be heard and tried the next succeeding Term after the Issue shall be made up, unless sufficient Cause be shewn to the Court why such Causes should be continued.

All Jury Causes at Issue shall be first heard and tried.

Every motion in Arrest of Judgment shall be argued the last Day of the Term in which the Issue shall be tried, the Defendant's Attorney first serving the Plaintiff's Attorney with a Copy of the Reasons in Arrest of Judgment; unless upon Sufficient Reasons shewn, and approved of by the Court, further Time shall be allowed.

When a special Verdict shall be found, a Case agreed, a Demurrer filed, or a Bill of Exceptions to the Evidence tendered, Time shall be allowed, at the Motion of either Party, to the next succeeding Term.

LXXXI. And for Prevention of Vexation by dilatory Pleas, It is hereby Enacted, by the Authority aforesaid, That no Plea in Abatement shall be received in any Action or Suit in the said County Courts, unless the Truth thereof be sufficiently shewn to the Court by Affidavit or otherwise, and in all Actions where the Declaration shall plainly set forth sufficient Matter of Substance for the Court to proceed upon the Merits of the Cause, the Suit shall not abate for want of Form in the Proceedings; and when any Plea shall be pleaded in any Action, and upon Argument thereof the same shall be adjudged insufficient to abate such Action, the Plaintiff shall recover against the Defendant full Costs to the Time of overruling such Plea, including the Costs of Court.

LXXXII. And for granting Appeals from the County Courts of Pleas and Quarter Sessions to the Superior Courts, be it Enacted by the Authority aforesaid, That when any Person or Persons, either Plaintiff or Defendant shall be dissatisfied with the Sentence, Judgment or Decree, of any County Court, he may pray an Appeal from such Sentence, Judgment or Decree, to the Superior Court of Law of the District wherein such County Court shall be; but before obtaining the same, shall enter into Bond, with Two sufficient Securities, for prosecuting the same with Effect, and for performing the Judgment, Sentence and Decree, which the Superior Court shall pass or make thereon, in case such Appellant shall have the Cause decided against him.

LXXXIII. And because it may happen that in issuing Process, carrying on the Proceedings, and rendering Judgments in the said County Courts, there may be Error to reverse Judgment; Be it Enacted, by the Authority aforesaid, That when any Person shall be desirous to prosecute a Writ of Error, he shall move the County Court of Pleas and Quarter Sessions where such Suit is or hath been depending, to allow a Writ of Error, he first entering into Bond as before Directed in Cases of Appeals; and the Court is hereby impowered and required to allow thereof, as if such Writ of Error should be then and there produced from the Superior Court.

LXXXIV. And for prosecuting Appeals, Be it Enacted, by the Authority aforesaid, That when any Person shall have appealed to a Superior Court in Manner above directed, a Transcript of the Record of the Suit on which the Appeal shall be made, shall be delivered to the Clerk of the Superior Court at least Fifteen Days before the sitting of the Term, and shall by him be filed the same Day on which he receives the same; and if the Trial of the

County Court was of an Issue to the Country, a Trial de Novo shall be had, and if on a hearing on a Petition for a final Portion or Legacy, or distributive Share of an Intestate's Estate, or other Matter relating thereto, a re-hearing at the Superior Court, without Notice given by either Party; and if such Transcript of the Record is not filed within the Time aforesaid, or if the Appellant shall fail to appear, or to prosecute his Appeal, then the Judgment, Sentence or Decree, of the County Court shall be affirmed, and the Appellant shall pay double Costs in the Superior Court.

LXXXV. And for prosecuting Writs of Error, Be it Enacted, by the Authority aforesaid, That the following Method or Practice shall be observed, that is to say, A Transcript of the Records and Proceedings in the County Court, in the Suit in which any Writ of Error shall be granted or allowed, shall be transmitted and delivered to the Clerk of the Superior Court at least Fifteen Days before the sitting of the Term; and in Case the Plaintiff in Error shall neglect to file such Writ, and assign Error as aforesaid, or shall fail to appear, or to prosecute the same, then the Judgment of the County Court shall be affirmed, and he shall be adjudged to pay double Costs in the Superior Court.

LXXXVI. Provided always, That if it shall so happen that there shall not be Thirty Days between the last Day of the Term or Hearing in the County Court, and the next Term of the Superior Court to which such Appeal shall be made, or Writ of Error allowed, then such Appeal or Writ of Error shall be continued, and a Transcript of the Records and Proceedings shall be transmitted and filed in the Manner in the Office of the Superior Court the Term succeeding that which shall immediately follow such County Court Term, in which such Trial and Hearing shall be had as aforesaid.

LXXXVII. And be it further Enacted, by the Authority aforesaid, That in every County Court of Pleas and Quarter Sessions within this State, when any Appeal shall be granted, or Writ of Error allowed, the Clerk of such Court shall immediately make a full and perfect Record of all the Proceedings in such Cause, and shall within Ten Days after the final Adjournment of the Term in which the Cause shall be heard, give an Attested Copy of such Record, with a Taxation of all Costs accrued, to the Appellant, or Plaintiff in Error, if required, and shall endorse on such Copy the Day or Days on which the same may have been demanded, and the Day on which it shall be delivered, and sign his Name as Clerk thereto; and if by Reason of the Delay of any Clerk, any Transcript shall not be filed in Time, or that the Record is so erroneously or inartificially made up, that the Superior Court cannot proceed thereon, such Clerk, in any of the said Cases, shall, upon Trial, be adjudged guilty of Misbehaviour in Office, and shall forfeit and pay to the Person intitled to such attested Copy the Sum of Fifty Pounds, to be recovered by Action of Debt, in any Court having Cognizance thereof; and shall be further liable to an Action on the Case for all Damages which such Person may sustain, for the Want of such Copy.

LXXXVIII. Provided always, That if the Judge or Judges of the Superior Court should be of Opinion that there appears to be sufficient Matter of Substance in the Transcript of the Record and Proceedings on any Appeal or Writ of Error, to enable them to proceed thereon, the same shall not be dismissed for want of Form, any Thing herein contained to the contrary notwithstanding.

LXXXIX. And be it further Enacted, by the Authority aforesaid, That the Clerks of the Superior Courts respectively, upon receiving a Transcript of the Record and Proceedings in any Suit, on which an Appeal shall be made, or Writ of Error allowed, shall give a Receipt to the Person delivering

the same, and shall immediately endorse thereon the Day on which it shall be delivered; and if he receives it Fifteen Days before the sitting of the Term of the then next Superior Court, he shall enter it upon the Docket of Causes for Trial, and deliver to the Parties such Summonses for their Witnesses as they may require; but if such Transcript shall be delivered to the Clerk of the Superior Court within Fifteen Days before the sitting of such Term as aforesaid, then such Clerk shall enter the Cause on the Reference Docket of such Court; and if the Clerk of any Superior Court shall refuse, neglect or omit, to do any of the Duties which he is hereby required to perform, such Clerk shall, upon Trial and Conviction, be deemed guilty of Misbehaviour in Office, and shall forfeit and pay to the Appellant, or Plaintiff in Error, One Hundred Pounds, to be recovered by Action of Debt, in any Court having Cognizance thereof; and be further liable to an Action on the Case for all Damages which such Appellant, or Plaintiff in Error, may sustain, by Reason of such Refusal, Neglect, or Omission.

XC. And be it further Enacted, by the Authority aforesaid, That all Causes, Actions, Suits, Writs, Plaints, Process, Recognizances, Indictments, and Presentments whatsoever, heretofore commenced, and not yet determined in any of the late Inferior Courts of Pleas and Quarter Sessions in this Territory under the late Government, or in any of the County Courts and Sessions of the Peace established by Ordinance of Congress, or Act of the General Assembly, or such as shall be returnable to, or had, or shall have Day or Days in any of the said late Courts, or other Matters and Things in them or any of them depending, except for criminal Offences committed before the Declaration of Independence, not fully determined, after the passing of this Act shall be transposed and carried off the Dockets of each the said late Courts respectively, into the Dockets of the several County Courts of Pleas and Quarter Sessions by this Act established, in the same Order and Condition in which they shall then stand on the Dockets of the said late Courts respectively, and shall be proceeded on by the County Courts hereby established according to the Method by this and other Acts, passed this Session, is directed, as if the same had been originally commenced therein.

XCI. And be it further Enacted, by the Authority aforesaid, That all Writs, and other Process, and all Suits and Proceedings whatsoever, issued, granted or prosecuted, in any of the said late Courts last mentioned, wherein Judgment hath been entered or Decree made, shall and may be taken Cognizance of by the Courts of the respective Counties by this Act established; and such Courts may respectively award Execution, or other necessary Process, on such Judgment or Decree, and proceed in the same Manner as if such Suits had been originally commenced in the County Courts by this Act established; any Law, Usage, or Custom, to the contrary, notwithstanding.

XCII. And be it further Enacted, by the Authority aforesaid, That all Suits, Process, Informations, Indictments, Presentments, Recognizances, Bonds, and other Matters (Suits heretofore instituted for Quitrents excepted) commenced, prosecuted, made or taken, and all Penalties, Fines, Forfeitures, and Amerciaments, incurred in the Name or the Use of the King of Great Britain, when this Territory was under his Government, and owed Allegiance to him, and not yet paid or satisfied, and all Breaches on penal Statutes directed to be prosecuted in the name of the said King, shall be prosecuted and proceeded on in the Name of the State, in the same Manner as if such Suits, Process, Informations, Indictments, Recognizances, Bonds, penal Statutes, and other Matters, had been commenced, prosecuted, made, taken, or directed to be sued in the Name of the State; and the Governor, or Com-

mander in Chief for the Time being, is hereby authorized and required, upon Application made to him for that Purpose, to assign all Sheriffs Bonds, or other Bonds taken in the Name of the said King, by Virtue of any Act of Assembly heretofore made, to the Party or Parties injured, to be sued for in his or their own proper Name or Names; and all Breaches in Statutes heretofore made in the Time of the late Government, and directed to be prosecuted in the Name of the Governor, and all Bonds made by Virtue of any Act of Assembly payable to the Governor, shall be prosecuted in the Name of the present Governor, or the Commander in Chief for the Time being; and all Breaches on penal Statutes directed to be sued in the Name of the Vestry and Churchwardens of the late respective Parishes, shall be prosecuted in the Name of the Justices of the County where such Parish was situated; and all Penalties on Statutes directed to be for the Use of the King, or the late Lord Proprietors, or to be recovered in their, or either of their Names, to any other Use, shall be to the Use of this State; and all Penalties directed to be applied to the Use of the Public, and to the Uses of the respective Counties, shall be to those Uses respectively; and all Penalties directed to be applied to the Use of the late Parishes respectively, shall be applied to the Use of the respective Counties in which such Parishes were situated; and the several Superior and County Courts hereby established, are hereby authorized and impowered to give Judgment, and award Execution thereon accordingly; any Law, Usage or Custom, to the contrary, in any wise, notwithstanding.

XCIII. And be it further Enacted, by the Authority aforesaid, That all fines, Amerciaments, Forfeitures, and Recoveries on penal Statutes, heretofore recovered and paid to any Officer, shall be accounted for and paid in Manner as by this Act is directed; and on Neglect or Refusal, may be sued for and recovered by the Persons respectively to whom Fines, Amerciaments, Forfeitures and Recoveries on Penal Statutes, not heretofore recovered are in this Act payable, and all Acts, Amerciaments, Forfeitures and Recoveries on penal Statutes, hereafter to be levied and received, and those in the Hands of the late officers, or any of them, shall be paid to the Clerks of the respective Courts where the same shall be imposed or recovered, and shall by such Clerks be accounted for and paid to the Person or Persons to whom the same shall be payable; and all such Fines, Amerciaments, Forfeitures and Recoveries on penal Statutes, as are or shall be directed to be applied to the Use of the State, shall by the respective Clerks of the Courts of Law hereby established, be accounted for on Oath, and paid to the Treasurer once in every Year, and the said Clerks shall send certified Transcripts of all such Accounts at the same Time to the General Assembly, at their sitting next ensuing such Payment made; and all such Fines, Amerciaments, Forfeitures, and Recoveries on penal Statutes, directed to be applied to any other Public or County Use, and to be received by any other Person or Persons, shall be accounted for in like Manner, and paid to the Person or Persons to whom the same is or may be payable; and if any Clerk shall fail or neglect to account or pay in Manner as by this Act is directed, or shall conceal any Money or Monies which are payable as aforesaid, such Failure or Neglect shall be deemed, upon Conviction, a Misbehaviour in Office, and the Clerk so neglecting or failing, shall for ever afterwards be incapable of holding any Office of Trust or Profit in this State.

XCIV. And be it Enacted, by the Authority aforesaid, That every Person accused of any Crime or Misdemeanor whatsoever, shall be intitled to Council in all Matters which may be necessary for his Defence, as well to

Facts as to Law; and every Person on Trial for his Life, may make a peremptory Challenge of Thirty Five Jurors.

XCV. And be it further Enacted, by the Authority aforesaid, That the Clerks of the Superior Courts shall keep their Offices in the respective Towns where the said Courts are directed to be held; and the Clerks of all the several Courts of Law hereby established shall by themselves, or their lawful Deputies, give due Attendance at their respective Offices, and all Deputies shall take the Oath appointed for the Qualification of Public Officers, and an Oath of Office; and in Case of the Death of the Clerk of any Court in the Vacation, his Deputy shall hold the Office of Clerk until he or another shall be appointed agreeable to Law, and shall be intitled to the Fees and Perquisites of the Office until such Appointment; any Law, Usage, or Custom, to the contrary notwithstanding.

XCVI. And whereas Doubts may arise to whom Fees which accrued and became due on Suits and Proceedings in the late Courts, and which at the Time of Discontinuance of the said Courts respectively, or the Removal of any Officer to whom Fees were due, were not finally determined, or which being determined, the Fees due thereon have not been levied or received, shall be paid: For ascertaining whereof, and for providing a Remedy for all Persons to whom any Fees or other Monies are due, and have heretofore been paid to any Officer of any of the late Courts in this State; Be it Enacted, by the Authority aforesaid, That all Fees due to any Person or Persons on Suits or Proceedings in any of the before mentioned late Courts in this Government, which have not been finally determined, or which being determined, the Fees due thereon have not been levied or received, shall be paid to the Person or Persons to whom the same were payable, his or their Executors, Administrators or Assigns; and the Clerks of the several Courts of Law by this Act established, are hereby authorized and required to issue Executions for all such Fees, and when returned to their respective Offices, pay the same to the Persons to whom such Fees are due and payable.

XCVII. And be it Enacted, by the Authority aforesaid, That all Fees and other Monies, heretofore paid into the Hands of any Clerk or Sheriff, and not fully accounted for and paid to the Person or Persons to whom the same were due and payable, his, her, or their Executors, Administrators, or Assigns, and all Fees which were hertofore due and unpaid, but shall be paid hereafter as aforesaid, shall and may be sued for in any Court having Cognizance thereof; and if any of the late or present Clerks, or other Person who may happen to be sued in Virtue of this Act, be at the Time of such Suit in the Possession of any Records, Dockets, Minutes or other Documents, which are suggested to contain Proofs of the Fees or other Monies sued for, and shall upon Notice previously given refuse to produce the same, or shall refuse to make Oath that such Records, Dockets, Minutes or other Documents, contain a full and true Account of all Fees and other Monies by him received by Virtue of his Office, such Defendant shall be deemed guilty of a fraudulent Concealment, and the Plaintiff shall recover the whole Sum for which his Suit shall be brought; any Law, Usage, or Custom, to the contrary in any wise, notwithstanding.

XCVIII. And be it further Enacted, by the Authority aforesaid, That the Time elapsed between the Sixth Day of March, One Thousand Seven Hundred and Seventy Three, and the Nineteenth Day of March, One Thousand Seven Hundred and Seventy Four, and the Time between the Tenth Day of September, One Thousand Seven Hundred and Seventy Five, and the End of this present Session of the General Assembly, shall not be allowed of in the County Courts hereby established in any Plea of Limitation, or in the

Computation of Time allowed for proving Accounts, under the Act ascertaining the Method of proving Book Debts.

XCIX. And be it further Enacted, by the Authority aforesaid, That in all Actions whatsoever, the Party in whose Favor Judgment shall be given, or in Case of a Nonsuit, Dismission, or Discontinuance, the Defendant shall be intitled to full Costs, unless where it is or may be otherwise directed by Statute.

C. And be it Enacted, by the Authority aforesaid, That Attachments issued against the Estates of absconding Debtors, or Persons suspected of Intentions to depart this Territory, by any of the late Committees, or any of the late or present Justices of the Peace, by virtue of any resolve or Ordinance of Congress, or any Resolve or Act of the General Assembly, shall and may be taken Cognizance of by the Courts hereby established, Regard being had to their Respective Jurisdictions, and shall be proceeded on in the same Manner as Attachments which may be issued in Virtue of this Act; any Law, Usage, or Custom, to the contrary, notwithstanding.

CI. Provided, That no person who hath taken, or shall take Part with the Enemies of America, or who hath or shall refuse, when lawfully required thereto, to take the Oath of Allegiance and Abjuration required by the Laws of this State, or who hath or shall remove from this State, or any of the United States, to avoid giving their Assistance in repelling the Invasions of the common Enemy, or who hath or shall reside, or be under the Dominion of the Enemies of America, other than such as are detained as Prisoners of War, nor any Person claiming by Assignment, Representation, or otherwise, by or under any such Person, shall have or receive any Benefit of this Act; but all Right of commencing or prosecuting any Suit or Suits, Action or Actions, real, personal, or mixt, shall be, and is hereby suspended, and shall remain suspended, until the Legislature shall make further Provision relative thereto.

CHAPTER III.

An Act to regulate and ascertain the Fees of Clerks in the Superior and County Courts, Justices of the Peace, and Attornies, in this State, and directing the Method of paying the same.

I. Whereas it is absolutely necessary that the Fees of Clerks in the Superior and County Courts, the Fees of Justices of the Peace, and Attornies, be regulated and ascertained;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That for the future the following Fees only shall be received by the Clerks of the Superior and County Courts, and no other or greater Fees or Charges whatsoever shall be deemed or construed by the former Acts of Assembly, to-wit,

For every leading Process returned to the first Court, and all subsequent Process, Appearances, Pleas, Rules, Orders, and other Services necessary thereon, until making up an Issue inclusive, and also for Dismission or final Judgment, where either happens, or for Confession of Judgment, to the Clerk of the Court Twelve Shillings. For every Continuance or Reference of every Cause after the second Court, including all Fees for every Service necessary thereon, Four Shillings. For the Court at which the Cause is determined including all Fees for every necessary service thereon, and enter-

ing final Judgment inclusive, Ten Shillings, over and above the Fees above mentioned. For every Subpoena, provided the Party insert no more than Four Witnesses in the same, Two Shillings. For every Execution, or Order of Sale, when necessary, issued and returned, including all Services thereon, with taxing Costs and Copy, and entering Satisfaction, Five Shillings. For every Scire Facias against Bail, with making up an Issue thereon, or entering Judgment, without Plea, including all Fees for every Service necessary thereon (provided that the Party paying Costs shall not be subject to this, unless the Scire Facias is requisite and required by the Plaintiff) Eight Shillings. For giving a Copy of the Record of any Cause, when demanded by either of the Parties, Six Shillings. For every Order or Rule of Court made, or Matters foreign to the Suits depending in Court, and Copy thereof when demanded, Two Shillings and Eight Pence. For entering on the Minutes the Probate of a Will, qualifying Executors, making Certificate, recording the Will, and giving Copy thereof, Ten Shillings and Eight Pence. For granting Administration, taking Bond, and all other Services thereon, Ten Shillings and Eight Pence. For all Services necessary to be done by the Clerk of the Court, towards issuing Letters of Administration or Letters Testamentary, Five Shillings. For all services, proving, recording and filing an Inventory, Account of Sales or Account Current, exhibited by an Executor, Administrator or Guardian, or for Search, Copy, and Certificate of the same, if the Estate be under One Hundred Pounds Value, One Shilling and Four Pence; if above one Hundred Pounds Value, Four Shillings. For every Marriage Licence and Bond, and all other necessary Services thereon, Five Shillings. For Ordinary Licence and Bond, and all the Services necessary to be done thereon, Five Shillings. For Tavern Rates, Two Shillings and Six Pence. For Searching a Record out of Court, Eight Pence. For proving or entering Acknowledgment of a Conveyance of Land, or other Estate, and certifying the same, with the Order for Registration, and Examination of a Feme Covert, without Commission, Two Shillings and Eight Pence. For a Commission to take the Examination of a Feme Covert or Witnesses in any Cause depending in the Superior Court, the Return thereon, entering, and all other Services necessary thereon, Three Shillings. For Guardian or other Bonds taken in Court, and for recording the same and all other necessary Services thereon, every Fee relative thereto included, Eight Shillings. For Indentures for binding out Apprentices, making Order thereon, and filing and recording the same, including all Fees for every Service necessary, Five Shillings and Four Pence. For a special Venire Facias in an Action of Ejectment, or where the Bounds of Lands shall come in Question, when the said Writ shall be issued, Eight Shillings. For a special Verdict or Demurrer, or Motion in Arrest of Judgment, and Argument thereon, Four Shillings. For Writ of Error or Appeal, with a Transcript of the Record, and all services thereon, Ten Shillings. For making out Certificates of Witnesses or Jurymen's Attendance, Eight Pence. For recording a Mark or Brand, and granting Certificates thereof if required, One Shilling and Four Pence.

III. And be it further Enacted, by the Authority aforesaid, That all the Services to be done by the Clerks of the Superior and County Courts within this State, for which Fees are not provided in this Act, shall be deemed and construed as ex Officio Services, for which the Clerks shall demand no Fee or Reward whatever, except what shall be allowed such Clerks by the County Courts of their respective Counties for such Services.

IV. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for the Clerks of the Superior and County Courts, on the

Fees not being paid by the Party from whom they are due, to make out Execution, directed to the Sheriff of the County where the Party resides, and the said Sheriff shall levy the same in Virtue of the said Execution as in other Cases; and to the said Execution shall be annexed a Copy of the Bill of Costs of the Fees on which such Execution shall issue, wrote in Words at Length, without any Abreviation whatsoever; and all Executions issuing without the Copy of such Bill of Costs annexed, shall be deemed illegal, and no Sheriff shall serve or execute the same.

V. And be it further Enacted, by the Authority aforesaid, That whenever it shall be the Opinion of the Court that the Party praying a Continuance should not obtain it, without Payment of all Costs attending the same, the whole of these Costs shall be paid before the Continuance is granted; and the Party paying such Costs shall not be intituled to recover them, although the Judgment of the Court should finally be in his Favour.

VI. And be it further Enacted, by the Authority aforesaid, That if any Person shall hereafter conceive himself aggrieved by the Clerk of the Superior or County Courts, in taxing or charging other or greater Fees than by this Act allowed, it shall and may be lawful for such Person, aggrieved, either by himself or his Attorney, to complain to the Court where such offender is Clerk, and the said Court, at the Term to which such Complaint shall be made, shall take such Matter into their Consideration, and the same shall be tried by a jury; and if the Jury shall find the complaint to be true, and that the Party is guilty of the misdemeanors alledged against him, then the said Court shall not only order immediate Restitution to be made to the Party injured, together with all Costs and Damages, but also may, and they are hereby required to set such Fine as they shall think Proper on such Clerk, not exceeding the Sum of Fifty Pounds; and the Court shall commit such Clerk to Gaol if he refuses or delays to obey their Judgment, there to remain until he has satisfied the Party injured, agreeable to the Judgment of the Court, and also paid the Fine inflicted on him to the Sheriff; which Fine shall be applied towards defraying the contingent Charges of the County where such Court shall be held, and shall be accounted for by the Sheriff at the same Time as he accounts for the County Tax. Provided, That such Clerk shall have Ten Days Notice in Writing previous to the Sitting of the Court where such Complaint is intended to be made, and that there shall be at least Five Justices on the Trial of such Complaint, if in the County Court; and the Notice shall be in these Words, or to this Effect: "I intend to complain of you to the next ———— Court, for taking more Fees in the Suit of —— ——— against —— ——— than the Law allows." And a Copy of this Notice directed to the Clerk, and signed by the Complainant, proved by the Oath of the Person who served it, with a Copy of the Bill of Costs from the officer who levied the same, shall be sufficient for the Jury to ground their Verdict on, and the Court to give Judgment in Pursuance thereof, without any other further Process.

VII. And be it Enacted, by the Authority aforesaid, That if any Clerk shall, during the Sitting of the Court whereof he is Clerk, demand other or greater Fees than by this Act allowed, the Court shall immediately, on Complaint being made thereof, determine what Fee or Fees shall be paid to the said Clerk by the Party complaining.

VIII. And be it further Enacted, by the Authority aforesaid, That if any Clerk of any Court in this State shall hereafter be guilty of any Breach or Neglect of Duty enjoined by Law, either by his own Confession or Verdict of the Jury, it shall, on the second Conviction, be adjudged and deemed a

Misbehaviour in Office, for which such Clerk shall be suspended by the said Court.

IX. Provided nevertheless, That in Case the Clerk shall be dissatisfied with the Determination of the County Court, he may appeal to the Superior Court of the District, in which case there shall be a Trial by Jury; where if the Suspension of the County Court shall be confirmed, the said Clerk shall ever after be rendered incapable of acting as Clerk of any Court of Justice in this State.

X. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for every Justice of the Peace in this State to take and receive the following Fees for Business done out of Court, to-wit,

For every original Attachment granted, taking Bond thereon, included, Five Shillings. For every Warrant, One Shilling. For all the Subpoenas in any one Suit, One Shilling. For every Judgment, One Shilling. For every Execution, One Shilling. And every Justice of the Peace taking, receiving, or demanding, any greater Fee or Reward, for any of the above Services, shall forfeit and pay Ten Pounds for every offence, one Half to the Person injured, the other half to be applied towards defraying the contingent Charges of the County where the Offence is committed; to be recovered by Action of Debt, in the County where such Justice shall reside.

XI. And be it Enacted, by the Authority aforesaid, That all Fees by this Act directed to be paid to the Justices of the Peace, shall be taxed in a Bill of Costs, and shall be paid by him who fails in his Suit, or against whom a Recovery shall be had.

XII. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for each and every Attorney at Law to take and receive from their respective Clients the following Fees, to-wit,

For every Action in the Superior Court, except where the Titles or Bounds of Lands come in Question, the Sum of Two Pounds Ten Shillings. For every such Action in the County Court, One Pound Five Shillings. For every real Action, or such as respects the Titles of Lands, Five Pounds. For every Petition for the Recovery of Legacies and filial Portions, or distributive Shares of Intestates Estates, if in the Superior Court, Three Pounds Ten Shillings. If in the Inferior Court, One Pound Fifteen Shillings. For every Opinion or Advice in Matters cognizable in the Superior Court, where no Suit is or shall be brought, and prosecuted or defended by the Attorney giving such Advice, but not otherwise, Twenty Shillings. For every Opinion or Advice in Matters cognizable in the County Court, where no Suit is or shall be brought, and prosecuted or defended by the Attorney giving such Advice, but not otherwise, Ten Shillings.

XIII. And be it further Enacted, by the Authority aforesaid, That the Clerk of each respective Court within this State is hereby directed and required to tax in every Bill of Costs, where an Attorney shall have been actually employed by the Party who shall recover, or be otherwise intitled to receive, such Fee as is by this Act allowed, and no more.

XIV. And be it further Enacted, That if any Attorney, in any Superior or County Court, shall wittingly or willingly be guilty of any Neglect in any Cause, the Court before whom such Cause shall be depending, on Complaint, and Proof thereof made within Six Months after such Neglect, shall have full Power and Authority to order such Attorney to pay all costs occasioned by such Neglect; and every Bill, Bond, Promise, or other Engagement, of what Denomination soever, for the Payment of any other or larger Fees than before enumerated, shall be utterly void and of no effect; any Usage to the contrary notwithstanding.

XV. And be it further Enacted, by the Authority aforesaid, That every Act and Acts of Assembly now in Force, allowing Fees to Attornies and Clerks of the Superior and County Courts in civil Cases, is and are hereby repealed and made void, to all Intents and Purposes, as if the same had never been made.

CHAPTER IV.

An Act directing the Method of electing Members of the General Assembly, and other Purposes.

I. Whereas there is not any Law in Force for directing the Mode to be observed in electing Members of the General Assembly;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the Ratification of this Act, the annual Election of Members of the General Assembly shall be held on the Tenth Day of March in each Year, and if such Day should happen on Saturday or Sunday, then on the Monday next following, at the Court House of the respective Counties; and that the Sheriffs, or other returning Officers, shall advertise the Day and Place of Election at the Court House, and other Public Places within their respective Counties, at least Twenty Days before such Election.

III. Provided always, That during the present War with Great Britain if by Invasion of the Enemy, or any public Commotion or domestic Insurrection, it may become unsafe for the Electors to attend at the Court-Houses of their respective Counties, it shall and may be lawful for the returning Officer of any County where such Invasion, Commotion, or Insurrection, may happen, to appoint any safe Place in his County for the holding of such Election, giving legal Notice thereof to the Electors, any Thing herein contained to the contrary notwithstanding.

IV. And be it further Enacted, by the Authority aforesaid, That the County Courts respectively, at the Sessions next preceding the Day of Election in every Year, shall appoint Two Inspectors to superintend the Election; and if it shall at any Time so happen that any County Court shall fail to make such Appointment, or any Person so appointed shall refuse to serve, the Sheriff, with the Advice of Three Justices of the Peace, or if none shall be present, Three reputable Freeholders, shall before the Beginning of such Election appoint Inspectors for the Purpose aforesaid; and every Inspector who shall be appointed by either of the Ways aforesaid, and serving pursuant to such Appointment shall be held and deemed eligible at such Election.

V. And be it further Enacted, by the Authority aforesaid, That the Sheriffs, or the returning Officers, shall on the Day, and at the Place for holding each respective Election, be provided with small Boxes, one for receiving the Ballots for the Senator, and the other receiving the Ballots for Members of the House of Commons, and where there is a Town having a Right of Representation, a third Box for receiving the Ballots for such Town Member; and the returning Officer, or his Deputy, shall receive the Tickets in Presence of the Inspectors, (who are to be appointed as hereafter directed) and put each Ticket into its proper Box; and all the Boxes shall be locked, or otherwise well secured, until the Election shall be finished; and the returning Officer shall keep the Election open Two Days, and no longer; and the returning Officer shall at Sunset of the first Day, and in Presence of the Inspectors, put his Seal on the Place to be made for the Reception of

the Tickets, which shall continue until the Election shall be renewed the succeeding Day, and shall then be taken off in Presence of the Inspectors.

VI. And be it Declared and Enacted, by the Authority aforesaid, That every Person qualified to vote in Manner directed by the Form of Government, who shall attend for that Purpose at any Election, shall give to the returning Officer, in Presence of the Inspectors, a Ticket or Scroll of Paper, rolled up, in which shall be written the Name or Names of the Person or Persons for whom he intends to vote, which Ticket shall be put into its proper Box, in Manner before directed; and at the same time the returning Officer, and each of the Inspectors, shall take down, in separate Lists, the Name of every Person voting, distinguishing those who shall vote for Senators in one List, those for County Members of the House of Commons in a second, and where there shall be a Town Election, those who vote for a Town Member in a third; and when the Election shall be finished, the returning Officer and the Inspectors shall, in Presence of such of the Electors as may choose to attend, open the Boxes one after another, and number the Ballots of one box before they shall open another, at the same Time reading aloud the Names of the Persons who shall appear in each Ticket; and if there shall be two Tickets rolled up together, or if any Ticket shall contain the Names of more Persons than such Elector has a Right to vote for, in either of these Cases, such Ticket shall not be numbered in taking the Ballots, but shall be adjudged void; and when each Class of Tickets shall be numbered, the Person having the greatest Number of Ballots shall be declared duly elected; but where two Persons shall have an equal Number of Votes, the returning Officer shall have the casting Vote, but shall not vote in any other Case whatsoever.

VII. Provided Nevertheless, That it shall and may be lawful for the Sheriff, or other returning Officer of Mecklenburg County, and he is hereby authorized and required, to direct his lawful Deputy to open an Election at the House commonly called The Cold Water Meeting-House, and there, on the first Day of any Election, to receive the Ballots of the Persons intitled to vote in the said County, living on the East Side of Coddle Creek and Rockey River, from the Mouth of the said Creek, under the Rules and Regulations herein before and afterwards directed; and the Ballots so taken shall be sealed up by the Deputy, and transmitted to the returning Officer of Mecklenburg County on the second Day of each Election, on or before One of the Clock in the Afternoon; and such Ballots so taken shall, and are hereby declared to be Part of the Election for the said County, any Thing herein contained to the contrary notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That every Person, before he shall be admitted to give his Vote at any Election, shall, if required, swear (or affirm if a Quaker) that he is qualified to the Constitution, and that he hath not voted before at such Election.

IX. And be it Enacted, by the Authority aforesaid, That every Election hereafter to be made by Virtue of any Writ from either House of the General Assembly, shall be conducted and regulated in the same Manner as annual Elections, so far as the particular Case can be applied to the general Rules.

X. And it is hereby Enacted, by the Authority aforesaid, That every Election hereafter to be made in this State shall begin at Twelve of the Clock at Noon, on the Day appointed for such Election.

XI. And be it further Enacted, by the Authority aforesaid, That if any Person shall hereafter vote at any Election, who by Law shall not be intitled to vote at such Election, he shall forfeit and pay the Sum of five pounds law-

ful Money of this State; to be recovered with Costs, by Action of Debt, in any Court of Record having Cognizance thereof, one Half to the Justices of the County wherein such Election shall be had, to be applied towards lessening the County Tax, and the other Half to him or them who shall sue for the same; and where any Suit shall be brought against any Person for voting as aforesaid, without having a Right to such Vote, the Onus Probandi shall lie upon the Defendant.

XII. And be it Enacted, by the Authority aforesaid, That if any Person shall at any Time before or after any Election, either directly or indirectly, give any Money, Gift, Gratuity, or Reward, to any Elector or Electors, or to any County or Town, in order to be elected, or to procure any other Person to be elected as a Member of the General Assembly, every Person so offending shall forfeit and pay Five Hundred Pounds lawful Money of this State; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, with Costs, and shall be incapacitated to serve as a Member during the Continuance of that General Assembly, for which such Election shall be made as aforesaid.

XIII. And it is further Declared and Enacted, by the Authority aforesaid, That the Delegates from this State in the Congress of the United States, and Officers of the Courts of Admiralty and Courts of Equity, shall be, and are hereby declared to be incapable of being elected as Members to serve in the General Assembly, or to enjoy Seats therein; and any Member of the General Assembly who shall accept any such Office, shall thereby vacate his Seat therein.

*XIV. And be it further Enacted, by the Authority aforesaid, That every Person elected as a Member of the General Assembly shall, before he shall take his Seat therein, take the Oath of Allegiance appointed to be taken for the Qualification of Members of the General Assembly and Public Officers, and also the following Oath, to-wit,

I do solemnly swear, that I have not, by myself or any other Person or Persons, either directly or indirectly, given, or caused to be given, any Gift, Gratuity, Reward, or Present whatsoever, to any Person or Persons, for his or their Votes, to obtain a Seat in the present General Assembly; and that I will not, during my continuing a Member thereof, take or receive privately the Profits, or any Part of the Profits of any Office within this State, either for my own Use, or for the Use or Uses of any Person or Persons whatsoever, otherwise than what is or shall be allowed by Law. SO HELP ME GOD.

And every Person violating the said Oath, shall be expelled from his Seat in the General Assembly.

XV. And it is further Enacted, by the Authority aforesaid, That if at any Time it shall happen that there shall be no Sheriff in any County qualified according to Law, the Coroner or Coroners in such County is, and are hereby impowered to hold the Election for such County; and such Sheriff or Coroner within Ten Days after every Election, shall at the request of any Person elected to serve in the General Assembly, or other Person in his Behalf, cause fair Copies of the Lists of votes, and the Number of Ticket Ballots for each Candidate, to be made out and delivered to the Person requesting the same, or to his Order, which Lists and Numbers shall be signed by the returning Officer; and if any Officer shall refuse so to do, or to make Elections in any other Manner than by this Act is directed, or shall neglect or refuse to make Returns of the Elections by him to be made or taken, the Officer so offending shall forfeit and pay Five Hundred Pounds lawful Money

of this State; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, with Costs, one Half to the Governor for the Time Being, for the Use of the State, and the other Half to such Person as shall sue for the same.

XVI. And be it Enacted, by the Authority aforesaid, That the General Assembly shall meet for ever hereafter on the First Monday in April in each Year, which is hereby declared to be the annual Meeting of the General Assembly of this State.

CHAPTER V.

An Act for directing the Method of appointing Jurors in all Causes, Civil and Criminal.

I. Whereas a Trial by Jury is one of the best Securities of the Rights of the People, and a just Decision of Suits and Controversies in the several Courts of Law within this State depend on the Integrity and Capacity of Jurymen;

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That the Justices of the County Courts within the District of each Superior Court of Law within this State, shall, and they are hereby directed, before the Sitting of any Superior Court, to nominate Forty Eight Freeholders to serve as Jurymen at such Superior Courts. Provided always, That no County Court shall knowingly nominate any Person to serve as a Juror at two Courts successively, or any Person who shall have an Action or Suit at Issue in the Superior Court at the Term to which he shall be so nominated.

III. And be it further Enacted, by the Authority aforesaid, That the Number of Freeholders to be nominated for each County to serve as Jurors shall be proportioned as follows, to-wit, Craven County Twelve, Carteret Six, Beaufort Six, Hyde Six, Dobbs Eight, Pitt Six, Johnston Four, New Hanover Twelve, Bladen Eight, Onslow Eight, Duplin Eight, Cumberland Six, Brunswick Six, Chowan Ten, Perquimans Five, Pasquotank Six, Currituck Five, Tyrrel Five, Bertie Eight, Hertford Five, Cambden Four, Wilkes Two, Washington Two, Surry Four, Guilford Six, Anson Six, Mecklenburg Eight, Tryon Four, Burke Four, Rowan Twelve, Orange Fourteen, Granville Twelve, Wake Six, Chatham Eight, Caswell Eight, Halifax Twelve, Edgecombe Six, Bute Ten, Northampton Ten, Nash Six, Martin Four; a List of which Jurors so nominated shall be delivered by the Clerk of each County Court to the Sheriff, who shall, and is hereby required to summon the Persons so nominated to serve as Jurymen at the Superior Court; and if any Juryman so summoned shall fail to appear, he shall be fined the Sum of Fifty Pounds, unless he can shew sufficient Cause to the next Court to excuse his non-Appearance; which Fine shall be applied to the Payment of such Jurors as shall attend from the said County, and thereby lessen the County Tax.

IV. Provided always, That if any of the said County Courts shall fail or neglect to nominate Freeholders to serve as Jurors as aforesaid, or the Persons so nominated shall fail to attend, it shall and may be lawful for such Superior Court to order and direct the Sheriff to summon other Freeholders of the Bystanders to serve as Jurymen, and the Persons so summoned shall be deemed and held as lawful Jurymen. Provided, That such By-standers as shall be so summoned shall and may every Day be discharged, and the succeeding Day, and so from Day to Day, during the Continuance of the Court, the Sheriff shall summon of the By-standers so many as shall be necessary; and every Person so summoned of the By-standers,

who shall not appear and serve as Jurymen, shall be fined in the Sum of Three Pounds, unless he can shew sufficient Cause, to be admitted by the Court; to be applied as before directed.

V. And that the Fines may be applied according to the Direction of this Act, Be it further Enacted, by the Authority aforesaid, That the Fines herein imposed shall be levied by the Sheriff of each respective County wherein each Person shall reside, who shall be summoned as Jurymen as is herein directed, and shall fail to appear and serve as such, and such Sheriff shall be accountable for the same to the County Court of this County.

VI. And be it further Enacted, by the Authority aforesaid, That the Sheriff of each respective County shall, and is hereby required, to summon the Freeholders in the List to be delivered to him by the Clerk of the County Court of his County, at least Ten Days before the Sitting of the Superior Court of which such Freeholders are to attend as Jurors, which he may do personally, or by leaving a Note or Summons in Writing at the Dwelling-House of such Free-Holder so to be nominated as aforesaid.

VII. And be it Enacted, by the Authority aforesaid, That the Clerk of each Superior Court shall every Day during the Continuance of such Court write the Names of all Petit Jurors appearing on Scrolls or Pieces of Paper, which shall be put into a Box, and on every Issue in every Suit where it is not otherwise agreed by Consent, a Child under Ten Years old, in open Court, shall draw out of the said Box Twelve of the said Scrolls or Pieces of Paper, and the Persons whose Names shall be on the said Scrolls or Pieces of Paper, drawn as aforesaid, shall be the Jurors to try such Issue, provided that they all do appear; and in Case of Defaulters, other Scrolls shall be drawn, till a sufficient Number shall appear to make a complete Jury.

VIII. Provided always, That if any of the Jurors whose Names shall be drawn as is herein before directed, shall be lawfully challenged, other Scrolls shall be drawn in Manner aforesaid, as Occasion may require, till a complete Number of Jurors shall be made out.

IX. And whereas the attending Superior Courts will be very expensive to Jurors; for Remedy whereof, Be it Enacted, by the Authority aforesaid, That each and every Juror who shall attend either of the Superior Courts to which he shall be nominated as aforesaid, and summoned in Virtue of this Act, upon producing a Certificate from the Clerk of the Superior Court of the Time of his Attendance, to the County Court of the County where he resides, shall have and receive Eight Shillings for every Day he shall travel and attend as aforesaid, and an Allowance for Ferriage, if certified as aforesaid, to be paid out of the County Tax.

X. And be it further Enacted, by the Authority aforesaid, That in all Suits in the Superior and County Courts within this State, wherein the Title or Bounds of Lands shall come in Question, if it shall appear to the Court necessary, such Court may order Two Surveyors, one to be named by each Party, to attend, and run out and survey the Lands in Dispute, agreeable to the Bounds and Lines expressed in each Parties Titles, and make Three accurate Plans of such Surveys, and return the same to such Court; which Order such Surveyors are hereby required to obey, and shall be allowed Twenty Shillings each for every Day they shall be travelling to and from attending the Surveys, and performing the Duty by this Act required; which Allowance shall be taxed in the Bill of Costs, and paid by the Party cast.

XI. Provided nevertheless, if the Parties shall agree to have but One Surveyor appointed to perform such Services, that then, and in such Cases, the Court shall order one Surveyor only to attend, survey, and run out the

Lands in Dispute, who shall return Three Plans in the same Manner, and be intitled to the same Allowance, as he would have been intitled to if Two Surveyors had been appointed.

XII. And be it Enacted, by the Authority aforesaid, That the Justices of the County Courts shall at the Sessions of their respective Courts, nominate Thirty Freeholders to serve as Grand and Petit Jurors at the next ensuing Court of the County and a List thereof shall by the Clerk be delivered to the Sheriff of such County, who is hereby required to summon the Persons therein named to attend as Jurymen at such Courts respectively, at least Five Days before the Sitting of such Court, which said Jury shall appear and give their Attendance accordingly; till discharged by the Court; and that there may not be a Default of Jurors, it shall and may be lawful, during the Sitting of the County Court, for the Sheriff, by Order of the said Court, to summon of the By-standers other Jurors, being Freeholders, to serve on the Petit Jury from Day to Day; and on any Day of the said Court, the Justices may discharge those who have served the preceding Day.

XIII. And to enforce the Attendance of Jurymen at the said County Courts, Be it Enacted, by the Authority aforesaid, That every Person who shall hereafter be summoned in Virtue of this Act to appear as Jurymen at any County Court, such Person so failing to appear, or to give his Attendance till discharged by Order of the Court, shall be fined Three Pounds by the Justices of the County Court, to be applied towards defraying the Charges of the County, and lessening the County Tax, unless he shall shew sufficient Cause to the next succeeding Court for such Failure.

XIV. And be it further Enacted, by the Authority aforesaid, That no Sheriff, or other Officer, shall serve or execute any Writ, or other Process, on the Body of any Juror, during his Attendance on, going to, and returning from any of the said Superior or County Courts; any such Service shall be void, and the Defendant may on Motion be discharged.

XV. And be it further Enacted, by the Authority aforesaid, That the Judges of the Superior Court shall direct the Names of all the Jurors returned from the Counties of the District where such Court shall be held, to be wrote on Scrolls of Paper, which Scrolls of Paper shall be put into a Box, and drawn out by a Boy under Ten Years of Age, and the first Eighteen drawn shall be a Grand Jury for the said Court, and the Residue of the Names in the Box shall be the Names of those who shall serve as a Petit Juror for the said Court.

CHAPTER VI.

An Act to amend an Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprison of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all and every Person or Persons (Prisoners of War excepted) now inhabiting or residing within the Limits of the State of North Carolina, or who shall voluntarily come into the same hereafter to inhabit or reside, do owe and shall pay Allegiance to the State of North Carolina.

II. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons belonging to, or residing within this State, and under

the Protection of its Laws, shall take a Commission or Commissions from the King of Great Britain, or any under his Authority, or other the Enemies of this State, or the United States of America, or shall levy War against this State, or the Government thereof, or knowingly and wilfully shall aid or assist any Enemies at open War against this State, or the United States of America, by joining their Armies, or by inlisting, or procuring or persuading others to inlist for that Purpose, or by furnishing such Enemies with Arms, Ammunition, Provision, or any other Article for their Aid or Comfort, or shall form, or be in any wise concerned in forming, any Combination, Plot or Conspiracy, for betraying this State, or the United States of America, into the Hands or Power of any Foreign Enemy, or shall give any Intelligence to the Enemies of this State for that Purpose, every Person so offending, and being thereof legally convicted by the Evidence of Two sufficient Witnesses, or standing mute, or peremptorily challenging more than Thirty Five Jurors, in any Court of Oyer and Terminer, or other Court that shall and may be established for the Trial of such Offences, shall be adjudged guilty of High Treason, and shall suffer Death without the Benefit of Clergy, and his or her Estate shall be forfeited to the State. Provided, That the Judge or Judges of the Court wherein such Conviction may be, shall and may order and appropriate so much of the Traitor's Estate as to him or them may appear sufficient for the Support of his or her Family.

III. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons within this State shall attempt to convey intelligence to the Enemies of this State, or of the United States, or shall Publickly and deliberately speak or write against the Public Defence, or shall maliciously and advisedly endeavour to excite the People to resist the Government of this State, or persuade them to return to a Dependence on the Crown of Great Britain, or shall knowingly spread false and dispiriting News, or maliciously and advisedly terrify and discourage the People from inlisting into the Service of this State, or the United States, or shall stir up or excite Tumults, Disorders, or Insurrections in the State, or dispose the People to favour the Enemy, or oppose, or endeavour to prevent the Measures carrying on in Support of the Election of the Freedom and Independence of the said United States, every such Person or Persons, being thereof legally convicted by the Evidence of Two or more creditable Witnesses, or other sufficient Testimony, shall be adjudged guilty of Misprison of Treason, and shall suffer Imprisonment during the War, and forfeit to the State one Half of his, her, or their Lands, Tenements, Goods and Chattels.

IV. And be it further Enacted, by the Authority aforesaid, That all Offences by this Act declared Misprison of Treason, shall be cognizable before any Justice of the Peace of the County where the Offence was committed, or where the Offender can be found; and every Justice of the Peace within this State, on Complaint to him made on the Oath or Affirmation of one or more creditable Person or Persons, shall cause such Offender to come before him, and enter into a Recognizance, with one or more sufficient Surety or Sureties, to be and appear at the next Superior Court of the District wherein the Offence was committed, and abide the Judgment of the said Court, and in the mean Time to be of the Peace and good Behaviour to all People within the State; and for want of such Surety or Sureties, the said Justice shall and may commit such Offender either to the Gaol of the County or District where the Offence was committed, and appoint a Guard for the safe conveying him to such Gaol; and all Persons charged on Oath or Affirmation with any Crime or Crimes by this Act declared to be Treason against

the State, shall be dealt with, and proceeded against, in like Manner as the Law directs in Respect of other Capital Crimes.

V. And whereas the safety of the State, and the present critical Situation of Affairs, make it necessary that all Persons who owe or acknowledge Allegiance or Obedience to the King of Great Britain should be removed out of the State; Be it Enacted, by the Authority aforesaid, That all the late Officers of the King of Great Britain, and all Persons (Quakers excepted) being Subjects of this State, and now living therein, or who shall hereafter come to live therein, who have traded immediately to Great Britain or Ireland within Ten Years last past, in their own Right, or acted as Factors, Storekeepers or Agents, here or in any of the United States of America or Ireland, shall take the following Oath of Abjuration or Allegiance, or depart out of the State, viz.

I will bear faithful and true Allegiance to the State of North Carolina, and will truly endeavour to support, maintain, and defend the independent Government thereof, against George the Third, King of Great Britain, and his Successors, and the Attempts of any other Person, Prince, Power, State or Potentate, who by secret Arts, Treasons, Conspiracies, or by open Force, shall attempt to subvert the same, and will in every Respect conduct myself as a peaceful orderly Subject; and that I will disclose and make known to the Governor, some Member of the Council of State, or some Justice of the Superior Courts or of the Peace, all Treasons, Conspiracies, and Attempts, committed or intended against the State, which shall come to my knowledge.

And that all Persons being Quakers, Moravians, Menonists, and Dunkards, and under the Circumstances above mentioned, shall make the following Affirmation, or depart the State:

I, A. B., do solemnly and sincerely declare and affirm, that I will bear true Fidelity to the independent State of North Carolina, and to the Powers and Authorities which are or may be established for the good Government thereof; and I do renounce any Fidelity to the present King of Great Britain, His Heirs and Successors; and that I will disclose and make known to the Governor, some Member of the Council of State, Judge of the Superior Court, or Justice of the Peace, all Treasons, Conspiracies, or Attempts, committed or intended against the same, which shall come to my Knowledge.

And the said Oath or Affirmation shall be taken and subscribed in open Court, in the County where the Person or Persons taking the same shall or do usually reside.

VI. And be it further Enacted, by the Authority aforesaid, That the County Courts in each and every County, and every Justice of the Peace in each respective County, shall have full Power to issue Citations against Persons coming within the above Description, as Officers, Merchants, Traders, Factors, Storekeepers, or Agents, and to demand Surety on Recognizance if necessary, and to require their Attendance at the next ensuing Court to be held for the County: And if any Person so cited (due proof being made thereof), shall fail or neglect to attend, or attending shall refuse to take the said Oath or Affirmation (as the Case may be) then the said Court shall and may have full Power and Authority to order such Person to depart out of this State, to Europe or the West Indies, within Sixty Days, and may take Bond and Security, in the Name of the Governor, for the Benefit of the State, for faithful Compliance with such Order; and if any Person so ordered shall fail or neglect to depart within the limited Time such Bond shall be forfeited to the State, without good and sufficient Reasons shewn to, and approved of by the Governor and Council; and the Justices, or any of them, in the County wherein the Person so failing or neglecting to depart shall be

found, shall and may cause him to be apprehended and brought before the Court of the County where the Order was made; and the said Court shall in such Case send the Person so offending as speedily as may be out of the State, either to Europe or the West Indies, at the Cost and Charges of such Offender, and to this End shall and may direct the Clerk of the Court to issue an Order or Orders to any Sheriff in the State to seize and sell so much of the Goods and Chattels, Lands and Tenements, of such Person within his Bailiwick, as may be judged necessary by said Court to defray such Costs and Charges, together with the Costs and Charges of apprehending and confining such Person until he shall be sent out of the State; and the Sheriff to whom such Order of Court shall be directed, is hereby required to obey the same, and to execute proper Conveyances, and to return the Money arising by any Sale made by Virtue of such Order, after deducting his Fees and Commissions as in other Cases, to the next County Court of the County from whence such Order issued, under the Penalty of Five Hundred Pounds current Money; to be recovered by Action of Debt, in any Court having Cognizance thereof, one Half for the Use of the State, the other Half to the Person that shall sue for the same; and if any Surplus shall remain after paying all Costs and Charges for apprehending, confining, and sending such Person out of the State, then the County Court shall cause such Surplus to be paid the Owner. Provided nevertheless, That all and every such Person and Persons shall have Liberty to sell and dispose of his or their Estates, and after satisfying all just Demands, to export the Amount in Produce (Provisions and Naval Stores excepted) and may also nominate and appoint an Attorney or Attornies to sell and dispose of his or their Estates, for his or their Use and Benefit; but in Case any real Estate belonging to any such Person shall remain unsold for more than Three Months next after the Owner thereof hath departed this State, the same shall be forfeited to and for the Use of the Public.

VII. And be it further Enacted, That if any Person so departing, or sent off from this State, shall return to the same, then such Persons shall be adjudged guilty of Treason against the State, and shall and may be proceeded against in like Manner as is herein directed in Cases of Treason.

VIII. And whereas among other Things it was enacted in an Act, intituled, An Act for declaring what Crimes and Practices against the State shall be Treason and what shall be Misprison of Treason, and Providing Punishments adequate to Crimes of both Classes, and for preventing the Dangers which may arise from Persons disaffected to the State, that each and every Justice in each respective County may cite any Person or Persons to appear before the County Court where such person or persons usually reside, and take the aforesaid Oath or Affirmation; and in Case of non-Attendance or Refusal, the said Court shall and may have full Power to compel such Person or Persons to leave the State, under the same Regulations herein mentioned in other Cases. And as some Scruples have arisen with Respect to the Manner by Law required for the Service of such Citations, and as by many it has been held that a Service upon the Person of him intended to be cited was necessary, before his Attendance in Court could be legally compelled, as many suspected Persons, by continual Absence from their Place of Abode, or frequently removing from thence, have rendered the Service of such personal Citations difficult, and in some Cases impracticable, whereby they evade the Intentions of the said Act, and cannot be obliged to take the said Oath prescribed, nor be made subject to the Penalties ordained for neglecting or refusing the same: And whereas there is great Reason to believe that there are divers persons whose intentions are inimical to the State, who would

in Case of Invasion by our Enemies, or the Expectation of immediate Support of them, carry such Intentions into Practice, but who artfully in their open Demeanor and Deportment betray no such Design, whereby from not incurring particular Suspicion, they have escaped being cited; and as it becomes the Duty of every Member of Society to give proper Assurance of fidelity to the Government from which he enjoys Protection, and by their Refusal so to do, the Voice of Reason and Justice, confirmed by the Practice of all Nations, proclaim that they should no longer enjoy the Privileges of Freemen of the said State; and as the Penalties ordained by the said Act have been in a great Measure evaded by the Difficulty or Impossibility of procuring Vessels to transport all such Recusants beyond Sea, or from their being unable to pay the Expence of the Voyage, by which Means such Persons still remain within this State, without suffering the Penalties they have justly deserved; Be it further Enacted, by the Authority aforesaid, That the County Court of each respective County which shall sit after the last Day of February, shall divide the County into several Districts, in each of which shall reside one or more Justices of the Peace, which said Justices within their respective Districts are hereby enjoined and required to administer such Oath of Allegiance or Affirmation, as the Case may be, to all free Male Persons above Sixteen Years of Age (Persons non compos Mentis, Prisoners of War, only excepted) and such Justice or Justices in their respective Districts so allotted to him or them, shall immediately after the Sitting of the said Court, in different Parts of the said County, one of which shall be the Court-House of the same, and also upon the Church, if any there be, post and publish a Notice in Writing of the Places and Times when and where he or they will attend within their respective Districts to administer such Oath or Affirmation; and all such Persons who are inhabitants of the said Districts respectively (and it is declared that a Residence of one Week shall in this Instance constitute any Person an Inhabitant, seafaring Persons and foreign Traders excepted) being above the Age of Sixteen Years, and of sound Mind, shall at such Time attend upon such Justice of the Peace, and take the Oath or Affirmation required, as the case may be, and subscribe the same in a Book which such Justice or Justices shall keep for that Purpose, or in Case of such Juror or Affirmant not being able to write, the Justice shall write such Juror or Affirmant's Name, which Book or List shall at the next succeeding Court be returned to the said Court, together with the Names of those within his or their respective District refusing or neglecting the same; and if any Person (such only as are by this Act excepted) shall fail to attend, or attending at such Time and Place as he shall have been warned by such public Notice, shall refuse to take the Oath, or make such Affirmation, as the Case may be, except as excused by Sickness or unavoidable Necessity, or other sufficient Reason, to be adjudged of by the next County Court, the Party offering such Excuse proffering at the same Time to take such Oath or Affirmation, as the Case may be, which in this Case such County Court are directed to administer, such Person or Persons so offering, shall be ordered by the said County Court next after such Failure or Neglect, to take the said Oath, or quit the State, and depart to the West Indies or Europe in Sixty Days; and if he or they shall fail so to do, and shall at the Expiration of such Term be found within this State, then the County Court shall and may, at their Discretion, either exercise the same Power and Authority with Respect to such Person or Persons, in Order to compel his or their Departure out of the State, as is herein before provided, with Regard to the late Officers of the King of Great Britain, and Persons who have traded to Great Britain or Ireland within Ten Years last

past, or been concerned for, or employed by Persons trading thereto, within the Time aforesaid, or permit him to remain within the State.

IX. And be it further Enacted, by the Authority aforesaid, That all Persons failing or refusing to take the Oath of Allegiance, and permitted by the County Courts, as immediately aforesaid, to remain in the State, shall be adjudged incapable and disabled in Law to have, occupy or enjoy, any Office, Appointment, Licence, or Election of Trust or Profit, civil or Military, within this State, and shall not be capable of being elected to, or aiding by their Votes to elect another to be a Member of Assembly, and shall not by themselves, or by Deputy, Attorney or Trustee, execute any such Office, Trust or Appointment, and shall be disabled to prosecute any Suit at Law or Equity, or to be Guardians, Executors or Administrators, or capable of any Legacy, or Deed of Gift of Lands, and shall be disabled from taking any Lands by Descent or Purchase, or conveying Lands to others for any Term longer than for one year, and shall not keep Guns or other Arms within his or their house, but the same may be seized by a written Order of a Justice of the County in which he or they reside; and after the Expiration of the said Sixty Days, he or they shall not be permitted to depart this State without Permission first had and obtained from the Governor and Council; and in Case of being suffered to depart, shall give Bond and sufficient Security, if such shall be required, not to be aiding to the Enemies of this State during his or their Absence; and in Case of their Departure without such Permission had, he or they shall forfeit all their Goods and Chattels, Lands and Tenements, to the Use of the State. Provided nevertheless, That all and every Person who has already taken the Oath, or made the Affirmation prescribed, before any Authority competent by Law to receive the same, upon his producing a Certificate of the same to the Justice or Justices appointed to administer the said Oath or Affirmation in their respective District where he resides, shall be held and deemed a good Subject of the State, and shall enjoy the Privileges thereof, as if he had made such Oath or Affirmation in Manner as by this Law directed.

X. And be it further Enacted, by the Authority aforesaid, That if any Person who has been banished this State for not having taken the Oath of Allegiance, or made the Affirmation agreeable to the aforesaid Act, passed the last Session of Assembly, shall return hither, or who may be banished in Consequence of this Act, then such Persons shall be held and deemed guilty of Treason against the State, and shall and may be dealt with in like Manner as is herein directed in Cases of Treason.

XI. And be it further Enacted, by the Authority aforesaid, That all and every other Act and Acts, and every Clause and Article thereof, heretofore made, within the Purview of this Act, is and are hereby repealed and made void, to all Intents and Purposes.

XII. And be it further Enacted, by the Authority aforesaid, That this Act shall be published in all the Newspapers of this State, as soon as the same shall have obtained the Sanction of both Houses of Assembly.

CHAPTER VII.

An Act for making Provision for the Poor, and for other Purposes.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That the Freemen in each and every County in the State shall meet on Easter Monday next after the passing of this Act, at the Court-House, or Place where the County

Court is commonly held, and on the same Day, and at the same Place, in every three years thereafter, then and there to elect seven Freeholders to serve as Overseers of the Poor; and the Sheriff, or his Deputy, is hereby directed to set up an Advertisement at the Place of Election in each County appointing a Day for the Meeting of the Overseers so elected, which Day shall not be less than Ten, and not more than Thirty Days after the Election; and the said Sheriff, or his Deputy, shall also summon each and every Overseer to meet on the Day so appointed at the Court-House, or usual Place of holding Court in each respective County, to be qualified according to the Directions of this Act; and if the Sheriff shall fail to appoint and advertise a Day of Meeting as aforesaid, or shall fail to summon each and every Overseer in his County to attend on such Day, such Sheriff shall forfeit and pay the Sum of Ten Pounds for the Default first mentioned, and the Sum of Five Pounds for every Overseer not summoned as aforesaid, to be levied and applied as herein after directed; and the Sheriff shall be paid by the County the Sum of Two Shillings and Eight Pence, for every Overseer he shall summon.

II. And be it Enacted, by the Authority aforesaid, That the Sheriff in each respective County shall advertise at the Court-House, and other public Places, the Day of holding the Election of Overseers of the Poor, at least Ten Days before such Election, under the Penalty of Ten Pounds for Neglect; and the Elections of such Overseers shall be held and conducted in the same manner, and under the same Regulations, as Elections of Members of the House of Commons.

III. And be it further Enacted, by the Authority aforesaid, That the Overseers of the Poor so elected, shall at the first Meeting next after such Election take before some Magistrate the Oath by Law appointed to be taken by public Officers, and shall repeat and subscribe the following Oath in a Book to be by them kept for that Purpose, to-wit,

I, A. B. do swear, that I will honestly and faithfully discharge my Office as Overseer of the Poor to the best of Skill and Ability, according to Law.

And every Overseer so elected and qualified, shall be deemed and taken to be an Overseer of the Poor in the County for which he was elected for Three Years.

IV. And be it further Enacted, by the Authority aforesaid, That every Person elected an Overseer of the Poor according to this Act, who shall refuse or neglect to qualify as aforesaid, shall forfeit and pay Five Pounds, to be recovered by the Wardens before any Magistrate, and applied to the Use of the Poor; and the other Persons chosen and qualified as aforesaid, shall elect one or more Freeholder or Freeholders, instead of him or them so refusing or neglecting; and such Person or Persons so chosen shall, after being qualified in Manner aforesaid, be held to be a legal Overseer of the Poor, to all Intents and Purposes.

V. And be it further Enacted, by the Authority aforesaid, That the Overseers in each respective County, or a Majority of them, shall at their first Meeting elect Two of their Members to execute the Office of County Wardens for one Year; and if the Persons so elected shall refuse to execute the Office of County Wardens, he or they shall forfeit and pay the Sum of Twenty Pounds, to be recovered and applied as herein after directed; and in such Case, and also in Case of the Death of any County Warden, or Expiration of the Term of Appointment, or Removal out of the County, the said Overseers may proceed to elect another Warden, in the same Manner as in the first Instance. Provided, That no Person shall be obliged to serve as County Warden more than One Year in Three succeeding Years. Provided

also, That no Member of the Council of State, or Member of the General Assembly, shall be compelled to serve in the Office of County Warden, any Thing herein contained to the contrary notwithstanding.

VI. And be it further Enacted, by the Authority aforesaid, That the County Wardens of every County shall purchase, at the Expence of the same, well bound Books, for keeping a Journal and Minute of the Proceedings of the Overseers of the Poor, in which shall be fairly stated Accounts of all such Money as they from Time to Time shall receive in Virtue of their Office, and all Disbursements made by them on Account of the County; and the County Wardens in every County shall, upon the Expiration of their Wardenship, order and direct the Clerk of the Overseers of the Poor in their County to make a fair Copy of such Accounts, and set up the same in the Court House of the County on some Day of the Court next after the Expiration of their Wardenship, there to continue for Inspection during the Sitting of the Court; and the County Wardens and Clerks who shall fail or neglect so to do, shall forfeit the Sum of Ten Pounds, to be recovered by Action of Debt or Information, in any Inferior Court of Pleas and Quarter Sessions, by any Person suing for the same.

VII. And be it further Enacted, by the Authority aforesaid, That the County Wardens, or either of them, or if they shall refuse or neglect, any Three of the Overseers of the Poor in each County, shall have Power to call a Meeting or Court of Overseers when necessary, by Summons under his or their Hand or Hands, directed to the Sheriff or Constables of the County, who are hereby directed to execute the same, under the Penalty of Forty Shillings for every Overseer in such Summons named whom he or they shall fail to summon; and every Overseer so summoned, and refusing or neglecting to attend, shall forfeit and pay the Sum of Forty Shillings, unless such Sheriff, Constables, or Overseer, shall shew sufficient Cause for the Omission to the next succeeding Meeting or Court of Overseers, which Penalties shall be recovered and applied as herein after directed.

VIII. And be it further Enacted, by the Authority aforesaid, That every Agreement and Order by the Vestry of any Parish heretofore entered into or made, for making Provision for a Minister to serve the Cure of the Parish, for supporting the Poor, or defraying the contingent Charges thereof, shall be, and is hereby declared good and available against the Overseers of the Poor in the County wherein such Parish shall be. Provided, That no Minister shall be authorised by any Thing herein contained to claim Salary for Services performed since the Eighteenth Day of December, One Thousand Seven Hundred and Seventy Six.

IX. And be it Enacted, by the Authority aforesaid, That when any Overseer of the Poor shall die or remove out of the County for which he was elected, the remaining Overseers of the Poor, or a Majority of them, shall elect another in his Stead; and the Person so elected, being duly qualified, shall have the same Authority as other Overseers of the Poor.

X. And be it further Enacted, That the Meeting or Court of Overseers in every County in this State shall hereafter be held at the Court-House, or usual Place of holding the Court of the County; and that the said Overseers, or a Majority of them, in each County, at their first Meeting respectively, shall appoint some Person of Skill and Probity to officiate as Clerk, but such Person shall not be one of their own Body.

XI. And for Payment of any Arrears now due in any Parish in this State to Ministers or others, for Services heretofore performed; Be it Enacted, by the Authority aforesaid, That the said Overseers, or a Majority of them.

in each County respectively, shall and may at their first Meeting, or within Thirty Days after, lay a Tax, not exceeding One Shilling for every Hundred Pounds Value of all taxable Property, agreeable to the Act for levying a Tax by general Assessment, within such a Parish, and a Poll Tax, not exceeding One Shilling, on all Persons within such Parish not having Estates of the Value of One Hundred Pounds, for the Purpose of paying the Arrears aforesaid; and if the said Overseers of the Poor in any County shall refuse or neglect to lay a sufficient Tax as aforesaid, for the Purposes above mentioned, such Overseers so neglecting or refusing shall be liable to the Action of the Party or Parties aggrieved, his, her, or their Executors or Administrators, for all Damages which he, she, or they, shall or may sustain thereby.

XII. And be it Enacted, by the Authority aforesaid, That the Clerk of each County Court shall furnish the Wardens of his County with a true Copy of all the Inventories of taxable Property returned to the Court whereof he is Clerk within Five Months after the passing of this Act, and the Clerk of each and every County Court to which such Inventories have not been heretofore returned, shall furnish the Wardens of his County with a true Copy of such Inventories within Ninety Days after the Court to which such Inventories at any Time hereafter shall be returned, under the Penalty of Twenty Pounds for Neglect; and each and every Clerk shall be allowed the Sum of Forty Shillings for that Service, to be paid by the County Wardens out of the Money arising by that Tax.

XIII. And whereas in some late Parishes Taxes have been laid for the contingent Charges of the same, and the Sheriffs or Collectors who have received the said Taxes have not accounted, and in other Parishes the said Taxes have not been collected; Be it Enacted, by the Authority aforesaid, That the County Wardens in their respective Counties shall have the same Power and Authorities, and may proceed in the same Manner against such Sheriffs or Collectors, as the Churchwardens might heretofore have had or done; and the Overseers of the Poor, or a Majority of them, in their respective Counties, shall and may appoint a Collector or Collectors to collect and receive such Taxes as remain due and uncollected, taking Bond for faithful Compliance; and such Collectors shall have the same Powers, Authorities, and Emoluments, as other Tax Gatherers in this State; and the Money arising from such Collections shall be paid by the said Sheriffs or Collectors to the County Wardens, and applied to the Discharge of Arrears due from the Parishes wherein the same was collected.

XIV. And for making Provision for the Poor in the future, and for Payment of Expences incident thereto; Be it Enacted, by the Authority aforesaid, That the Overseers of the Poor, in their respective Counties, shall have full Power and Authority, and are hereby directed and required, at their first Meeting after being duly elected, or within Thirty Days after such Meeting, to lay a Tax, not exceeding Six Pence for every Hundred Pounds Value for all taxable Property, agreeable to the Act for levying a Tax by general Assessment, and a Poll Tax, not exceeding Six Pence on all Persons not having Estates of the Value of One Hundred Pounds, within their Counties respectively, for the Purposes aforesaid; and therefore shall and may annually, at their first Meeting after the County Courts of their respective Counties to which the Inventories of taxable Property in this State shall be returnable, lay a Tax, not exceeding Six Pence for every Hundred Pounds Value of all taxable Property within their Counties respectively, and a Poll Tax, not exceeding Six Pence on all Persons not having Estates of the Value of One Hundred Pounds, for the like Purposes; and if the Overseers of the Poor in any county shall neglect or refuse to lay a sufficient tax for the Pur-

poses above mentioned, such Overseers shall in such Case be liable to the Action of the Parties aggrieved, his, her, or their Executors or Administrators, for all Damages which he, she, or they shall sustain thereby.

XV. And for collecting of all Taxes intended to be laid by Way of Assessment on Property under this Act, Be it further Enacted, by the Authority aforesaid, That the Overseers of the Poor in each County shall and may appoint Collectors to receive the same, and may take Bonds, with sufficient Securities, of such Collectors, to the Wardens of the County, for duly collecting such Taxes, and paying the same to the Overseers of the Poor for the Purposes intended; and upon the Death, Refusal to act, or Removal out of the County of such Collectors, or any of them, may appoint another or other Collectors, in like manner as at first; and Collectors so appointed shall have the same Powers, Authorities, and Emoluments, as the Collectors of the Public Tax.

XVI. And be it Enacted, by the Authority aforesaid, That if any Collector of Taxes imposed by Virtue of this Act, shall neglect or refuse to account for and pay the same, or so much thereof as he shall be chargeable with, after deducting his Commissions, it shall and may be lawful for the Inferior Court of the County wherein such Collector shall live, either before or at any Time after the Expiration of his said Office, on Motion of the County Wardens, to give Judgment against such Collector for all the Money wherewith he shall or may be chargeable to his County, with Costs, and thereupon to award Execution against the Goods and Chattels, Lands and Tenements, of such Collector. Provided, That he have Ten Days previous Notice of such Motion.

XVII. And be it further Enacted, by the Authority aforesaid, That the Parish Taxes herein before mentioned, and the Tax directed to be laid for the Payment of Arrears due in any Parish to Ministers or others, for Services heretofore performed, shall be collected and accounted for by the Sheriffs or Collectors on or before the First Day of next September; and that the Tax directed to be laid at the first Meeting of the Overseers of the Poor in each County, or within Ten Days after, for making Provision for the Poor in future, and for Payment of Expences incident thereto, shall be collected and accounted for on or before the First Day of March, One Thousand Seven Hundred and Seventy Eight, and so annually on or before the same Day.

XVIII. And be it further Enacted, That the Overseers of the Poor, or a Majority of them, in their respective Counties, shall have the same Powers and Authorities as Vestries heretofore had in their Parishes in every Respect, the Power of Inducting Ministers, and of laying or applying any future Tax for Religious Purposes, only excepted.

XIX. And be it further Enacted, by the Authority aforesaid, That the several Forfeitures and Penalties by this Act inflicted, for which no Method of Recovery or Application is herein before directed, shall and may be recovered with Costs, before any Jurisdiction having Cognizance thereof; one Half to the Use of the Informer, the other Half to the County Warden, for the Use of the Poor of the County wherein such Penalties shall be incurred.

XX. And be it Enacted, by the Authority aforesaid, That the Sheriff in each County shall advertise the Election of Overseers of the Poor at least Ten Days before such Election, at the Court House, and other public Places; and every Sheriff failing so to do, shall forfeit and pay Twenty Pounds; to be recovered with Costs, in any Court having Cognizance thereof, by Action of Debt, One Half to the County Wardens, for the Use of the Poor of the County, the other Half to the Person or Persons who shall sue for the same.

XXI. And be it Enacted, by the Authority aforesaid, That if it shall happen, from Badness of Weather, or any other unavoidable Hindrance, that an Election of Overseers of the Poor in any County shall not be held on the Day by this Act appointed for that Purpose, that in such Case the Sheriff shall appoint a time, not less than Ten, nor exceeding Twenty Days thereafter, for electing Overseers of the Poor in such County, and shall summon the Inhabitants having a Right to vote for Members of the House of Commons to attend, and elect in Manner herein before directed; and every such Election shall be as good and valid, as if the same had been made on the Day by this Act directed.

XXII. And for determining all disputes concerning what shall be accounted a legal Settlement, whereby any Person may be intitled to be provided for at the Parish Charge; It is hereby Enacted and Declared, That no Person shall be accounted an Inhabitant, so as to have gained a legal Settlement in any Parish, until such Person shall have been actually resident in such County one whole Year.

XXIII. And be it further Enacted, by the Authority aforesaid, That upon Complaint made by the County Wardens of any County, before a Justice of the Peace, that any poor Person or Persons are come into their County, and likely to become chargeable thereto, it shall be lawful for such Justice, by Warrant under his Hand, to cause such poor Persons to be removed to the County where he or she was legally last settled; but if such poor Person be sick or disabled, and cannot be removed without Danger of Life, the County Wardens shall provide for his or her Maintenance and Cure at the Charge of the Parish, and after Recovery, shall cause him or her to be so removed; and the County wherein he or she was last legally settled shall repay all Charges occasioned by the Sickness, Maintenance, and Cure, of such poor Person, and also all Charges and Expences, if such Person shall die before Removal; and if the County Wardens of the County to which such poor Person belongs, shall refuse to receive and provide for the Person or Persons removed by Warrant as aforesaid, every County Warden so refusing shall forfeit and pay Twenty Pounds, one Half to the Use of the County from whence the Removal was, and the other Half to the Informer; to be recovered by Action of Debt or Information, in the County Court where the Information was made, with Costs of Suit; and if the Wardens of the County where such poor Person was legally settled shall refuse to pay and satisfy all the Charges and Expences aforesaid, in such Case the Wardens of the County refusing shall be liable for the same, to be recovered with Costs, in the County Court as aforesaid; and if any Housekeeper shall entertain such poor Person, and shall not give Notice thereof to the County Wardens of the County, or one of them, within One Month, he or she so offending shall forfeit and pay the Sum of Five Pounds; to be recovered with Costs, by the County Wardens, for the Use of the County, by Action of Debt or Information, in any County Court.

CHAPTER VIII.

An Act for appointing Sheriffs, and directing their Duty in Office, and for obliging the late Sheriffs and Collectors of Public Monies who are in Arrear, to account for and pay the same, and other Purposes.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That every County Court shall annually, at the first Court after the first Day of May, elect and

nominate a Freeholder of sufficient Circumstance to execute the Office of Sheriff, who shall thereupon be commissioned by the Governor or Commander in Chief to execute that Office for one Year; and if any Sheriff so nominated shall happen to die in the Time of his Sheriffalty, the Court shall at the next Term elect and nominate another as aforesaid.

II. And be it Enacted, by the Authority aforesaid, That no Sheriff shall be compellable to serve more than one Year, and until the next succeeding Term of his County Court, after Expiration thereof; and every Person accepting the Office of Sheriff shall, before his executing the same, in his County Court take the Oath appointed for the Qualification of Public Officers, and also the following Oath, to-wit,

I, A. B., do solemnly swear, that I will execute the Office of Sheriff of ———— County to the best of my Knowledge and Ability, agreeable to Law; and that I will not take, accept or receive, directly or indirectly, any Fee, Gift, Bribe, Gratuity, or Reward whatsoever, for returning any Man to serve as a Juror, or for making any false Return on any Process to me directed. And I also swear, that I have not given any Fee, Gift, Gratuity, or Reward, or other Thing whatsoever, to any Person or Persons, for his or their Vote or Interest to procure me to be nominated to the said Office; nor will I hereafter give to any Person or Persons such Fee, Gift, Gratuity, or Reward, for having procured, or contributed to procure me to be nominated thereto. SO HELP ME GOD.

And such Sheriff shall also enter into Bond, before the Justices of his County Court, with Two or more good and sufficient Securities, in the Penalty of Five Thousand Pounds, payable to the Governor and his Successors, with Condition in Form following, that is to say,

The Condition of the above Obligation is such, that whereas the above bounden ———— is constituted and appointed Sheriff of ———— County, by a Commission from the Governor, under the Seal of the State, dated the ——— Day of ——— last past; if therefore the said ———— shall well and truly execute and due Return make of Process and Precepts to him directed, and pay and satisfy all Fees and Sums of Money by him received or levied by Virtue of any Process into the proper Office, by which the same by the Tenor thereof ought to be paid, or to the Person or Persons to whom the same shall be due, his, her, or their Executors, Administrators, Attornies or Agents, and in all other Things well, truly and faithfully, execute the said Office of Sheriff, during his Continuance therein, then the above Obligation to be void, otherwise to remain in full Force and Effect.

Which said Bond every County Court is hereby required and impowered to demand and take, and cause to be acknowledged before them in open Court, and recorded; and upon a Breach of the Condition of such Bond, the same shall be assigned by the Governor to the Party or Parties injured, who may maintain an Action thereon, in his or their Name; and no such Bond shall become void upon the first Recovery, or if Judgment shall be given for the Defendant, but may be put in Suit and prosecuted from Time to Time, until the whole Penalty shall be recovered.

III. And be it further Enacted, by the Authority aforesaid, That every Sheriff who shall be in Office on the first day of January next, shall at the first Court to be held for his County thereafter, enter into Bond with Security, as is directed for Persons accepting the Office of Sheriff; and if any Person who shall hereafter be appointed Sheriff by Virtue of this Act, shall refuse to accept and execute the Office of Sheriff, he shall forfeit and pay the Sum of Fifty Pounds lawful Money of this State, to the Use of the Public; to be recovered in the Name of the Governor, by Action of Debt, in any

Court having cognizance thereof. Provided always, That if any Person who shall hereafter be nominated or appointed to execute the Office of Sheriff of any County in this State, shall be willing to execute the same, but cannot give Security as by this Act is required, and shall make Oath in the County Court that he hath used his best Endeavours, without Fraud or Collusion, to get such Securities, that then such Person shall not incur the Penalty aforesaid, any Thing herein contained to the contrary notwithstanding.

IV. Provided further, and be it Enacted, by the Authority aforesaid, That no Member of the General Assembly, or Council of State, shall be nominated or commissioned, nor shall any practicing Attorney be obliged to act as Sheriff of any County within this State.

V. And be it further Enacted, by the Authority aforesaid, That every Sheriff, by himself or his lawful Officers or Deputies, shall from Time to Time execute all Writs and other Process to him legally issued and directed within his County, or upon any Bay, River or Creek, adjoining thereto, and make due Return thereof, under the Penalty of forfeiting Fifty Pounds lawful Money of this State for each Neglect, where such Process shall be delivered to him Twenty Days before the Sitting of the Court to which the same is returnable, to be paid to the Party grieved by Order of such Court, upon Motion and Proof of such Delivery, unless such Sheriff can shew sufficient Cause to the Court at the next succeeding Court after such Order; and for every false Return the Sheriff shall forfeit and pay Fifty Pounds, one Moiety thereof to the Party grieved, and the other Moiety to him or them that will sue for the same; to be recovered with Costs, by Action of Debt, Bill or Plaint, in any Court of Record, and moreover be further liable to the Action of the Party grieved for Damages; and no Sheriff shall return upon any Writ that the Defendant is not to be found within his Bailiwick, unless such Sheriff shall have actually been at the House or Place of Abode of such Defendant; and where any Defendant shall be a known Inhabitant of any other County than that of the Sheriff to whom such Process shall be directed; the Sheriff shall return the Truth of the Case, and thereupon an Alias shall issue, directed to the Sheriff where such Defendant resides, if the original Process shall issue from a Superior Court, and Variance of the Addition of the Place of Abode of the Defendant shall not be deemed Error, or Matter of Abatement: And in case at any Time there shall be no Person properly qualified to act as Sheriff in any County in this State, that then it shall and may be lawful for the Coroner of such County, and he is hereby required to execute all Process within the same, until some Person shall be appointed, and properly qualified, to act as Sheriff in said County; and such Coroner shall be under the same Rules and Regulations, and subject to the same Fines and Forfeitures, as Sheriffs are by Law, in Relation to the executing and returning of any Process to them directed.

VI. Provided always, That it shall not be lawful for any Sheriff, or other Officer, to execute any Writ or other Process upon a Sunday, or upon any Person attending his Duty at a Muster of the Militia, or any Election of Burgess or Burgesses, or Overseers of the Poor, or County Wardens, or any Person summoned to attend as an Evidence or a Jury; and all such Services of Process is hereby declared illegal and void, unless the same be issued against any Person or Persons for Treason, Felony, Riot, Rescous, Breach of the Peace, or upon an Escape out of Prison or Custody, and such Process shall and may be executed at any Time or Place.

VII. And be it further Enacted, by the Authority aforesaid, That from and after the first Court which shall happen after the First Day of January next, each and every Sheriff within this State shall, on levying any Execution

for any Debt, Damages or Costs, make out, if required, a Bill of his Fees due on such Action or Suit, and set down under the said Bill a true Copy of the Clerk's, Attorney's, and other endorsed Fees, separately and distinctly, and give a Receipt for the same to the Party against whom such Execution shall issue, and also shall endorse the Amount of his own Fees he shall so take on such Execution, to be entered by the Clerk on the Execution Docket, for which Copy the said Sheriff may demand and receive One Shilling of the Person requesting the same; and if any Sheriff, or other Officer, impowered to levy any Execution, shall fail so to do, such Sheriff or other Officer shall forfeit and pay Fifty Pounds to any Person who will sue for the same.

VIII. And be it Enacted, by the Authority aforesaid, That it shall not be lawful for any Sheriff, or his Officer or Deputy, to take any Obligation of or from any Person or Persons in his Custody, for or concerning any Matter or Thing relating to his Office, otherwise payable than to himself as Sheriff, and dischargeable upon the Prisoner's Appearance, and rendering himself at the Day and Place required in the Writ, whereupon he was or shall be taken or arrested, and his Securities discharging themselves therefrom as special Bail of such Prisoner, or such Person or Persons keeping within the Limits and Rules of any Prison; and every other Obligation taken by any Sheriff in other Manner or Form by Colour of his Office, shall be null and void, except in any special Case any other Obligation is or shall be by Law particularly and expressly directed; And that no Sheriff shall demand, exact, take or receive, any greater Fee or Reward whatsoever, nor shall have any Allowance, Reward or Satisfaction, from the Public, for any Service by him done, other than such Sum as the County Court shall allow for ex-Officio Services, and the Allowances given and provided, or which shall be from Time to Time given and provided by Law.

IX. And be it further Enacted, by the Authority aforesaid, That if any Person committed, rendered, or charged in Execution, or upon mesne Process, to any Prison shall thence escape, it shall and may be lawful to and for any Justice of the Peace of the County where such Prisoner was in Custody, upon Oath of such Escape made before him by the Sheriff, Undersheriff, or Gaoler, or other credible Person, to grant to any Person demanding the same, one or more Warrant or Warrants, under his Hand and Seal, directed to all Sheriffs, Bailifs, and Constables within this State, reciting the Cause of such Person's Commitment, and the Time of his or their Escape, and commanding them, and every of them in their respective Counties and Precincts, to seize and re-take such Prisoner so escaped or going at large, and being so taken, forthwith to convey to the Prison where Debtors are usually kept in the County where such re-taking shall be, there to be kept in safe Custody until he or she be thence discharged by due Course of Law; which Warrant the Sheriff is required to obey, and receive the Prisoner into his safe Custody, and to give a Note to the Person or Persons delivering him, her, or them; certifying his receipt of such Prisoner, and shall also make Return of the Execution of such Warrant to the Court of the County where such Prisoner escaped, and if he or she was there in Custody charged in Execution, then the said Sheriff shall safely keep him or her without Bail or Mainprize, until he or she shall have made full Payment and Satisfaction to the Plaintiff or Plaintiffs, Creditor or Creditors, in whose Name such Execution was issued out, or until the Judgment or Judgments obtained against him or her shall be reversed or discharged by due Course of Law:

And if any such Prisoner shall have been in Custody upon mesne Process in any Action of Debt, or upon the Case, the Sheriff to whom he or she shall be so committed shall, in like Manner, keep such Prisoner in his safe Custody, and make Return of the Execution of the Warrant by which he or she was re-taken to the Court of the County wherein he or she was first arrested; and thereupon it shall be lawful for the said Court, upon the Plaintiff's filing his Declaration and entering the Defendant's Appearance, to proceed to give Judgment thereon, in the same Manner as if the Defendant had appeared in Court and refused to plead, unless such Defendant shall cause special Bail to be entered in said Court, and shall immediately plead to Issue; and thereupon a Certificate under the Hand of the Clerk of the said Court, that such Bail is given and delivered to the Sheriff in whose Custody such Defendant shall then be, it shall be lawful for him to set at large such Prisoner, and not otherwise; but where any Prisoner escaped, and re-taken upon such Warant as aforesaid, shall thereafter be charged with Treason, Felony, or other capital Crime, in Behalf of this State, for which he or she ought to be tried in one of the Superior Courts, and shall be for such Cause removed to any Gaol of such Court, every such Prisoner shall be charged in such Gaol with all the Causes wherewith he or she stood charged in the Gaol from whence he or she escaped, or was removed, until he or she be thence delivered by due Course of Law; any Law, Usage, or Custom, to the contrary notwithstanding.

X. And be it further Enacted, by the Authority aforesaid, That if any Sheriff or other Officer hath made, or shall make any Return upon any Writ of Fieri Facias or Venditioni Exponas, that he hath levied the Debt, Damages and Costs, or Fees, as in such Writ required, or any part thereof, and hath not or shall not pay the same into the proper Office, or to the Party to whom the same is payable, or his Attorney, at the Return of such Writ, or hath or shall return upon any Writ of Capias ad Satisfaciendum, or Attachment, for not performing a Decree in Chancery for the Payment of any Sum of Money or other Matter, that he hath taken the Body or Bodies of any Defendant or Defendants, and hath the same ready to satisfy the Money or other Matter in such Writ mentioned, and shall have actually received the Money or other Matter from the Defendant or Defendants, or any Part thereof or suffered him, her or them, to escape with Consent of such Sheriff or Officer, and hath not or shall not pay the same into the proper Office, or to the Party to whom the same is payable, or his Attorney, that then, and in either of the said Cases, it shall and may be lawful for the Creditor, at whose Suit of Fieri Facias, Venditioni Exponas, Capias ad Satisfaciendum, or Attachment, hath or shall issue, upon Motion made in the Court from whence such Writ issued, or in the Superior Court of the District wherein such Sheriff shall reside, to demand Judgment against such Sheriff or other Officer, for the Money or other Matter mentioned in such Writ, and such Court is hereby authorized and required to give Judgment accordingly for the same, with Costs, and to award Execution against the Goods and Chattels, Lands and Tenements, of such Sheriff, provided such Sheriff have Ten Days previous Notice of such Motion; and where it shall so happen that the Time of any Persons sheriffalty shall be expired, or he shall be removed from his Office, before such Motion made by the Creditor or Creditors, the same Remedy, Proceedings, and Relief shall and may be had against him, as if such Person was actually in Office; any Thing contained to the contrary notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That where any Sheriff shall take the Body of any Debtor in Execution, and shall wilfully or

negligently suffer such Debtor to escape, and such Sheriff, or Person suing out such Execution, shall die before a Recovery can be had against such Sheriff for such Escape, the Person suing out such Execution, his Executors or Administrators, shall and may have and maintain an Action of Debt against such Sheriff, his Executors or Administrators, for the Recovery of all such Sums of Money as are mentioned in the said Execution, and Damages for detaining the same; any Law, Usage or Custom, to the contrary notwithstanding.

XII. And for removing all Controversies touching the Manner of turning over Prisoners, upon the Sheriff's quitting his Office; Be it further Enacted, by the Authority aforesaid, That the Delivery of Prisoners by Indenture between the old Sheriff and the new, or the entering upon Record in Court the Names of the several Prisoners, and the Causes of their Commitment, delivered over to the new Sheriff, shall be sufficient to discharge the late Sheriff from all Suits and Actions for any Escape that shall happen.

XIII. And be it Enacted, by the Authority aforesaid, That the Justices of the respective Counties in this State shall nominate and appoint Registers in the same Manner as is herein before directed for the Choice of Sheriffs, and the Registers so appointed shall hold their respective Offices during their good Behaviour; but each Register, before entering upon the Execution of his Office, shall take the Oath appointed for the Qualification of Public Officers, and an Oath of Office; and shall give Bond, in the Penalty of Five Thousand Pounds, payable to the Governor for the Time being, and his Successors, for the true and faithful Discharge of his Office; which Bond, upon a Breach thereof, shall be assigned to the Party or Parties injured, and may be put in Suit from Time to Time until the whole Penalty shall be recovered.

XIV. And be it further Enacted, by the Authority aforesaid, That every County Court in this State shall, and they are hereby impowered, to appoint two or more Coroners within their County, if they shall be of opinion that more than one will be necessary.

XV. And be it further Enacted and Declared, by the Authority aforesaid, That the Governor for the Time being shall, from Time to Time, as any Vacancy may happen, appoint one or more Persons, properly qualified, to act as Notary or Notaries at the different Ports in this State; and the said Notaries, and every of them, shall take the Oath appointed to be taken for the Qualification of Public Officers, and also an Oath of Office, which Oath may be taken in, and administered by the Court of the County in which such Notary shall reside. Provided always, That there shall not be more than one Notary appointed to reside in any one Place at the same Time.

XVI. And whereas divers Persons, who have formerly been Sheriffs and Collectors of Public Monies within this Territory, are still in Arrear to the Public, and it being necessary that a final Settlement of all such Matters should be made, and that all Public Monies should be paid into the Treasury; Be it therefore Enacted, by the Authority aforesaid, That the Treasurers of this State be, and are hereby authorized and required, to call all such Sheriffs and Collectors to Account, and to institute Suits against them for the Monies by them respectively due and unaccounted for, and that the Proceedings thereon shall be agreeable to the Laws last in Force in this Territory, for the Recovery of Taxes and other Public Monies; and the Treasurers shall be obliged to account therefor in the same Manner, as if such Laws had still continued and been in full Force.

XVII. And be it also Enacted, by the Authority aforesaid, That every late Sheriff and Collector of Public Monies, his lawful Representatives or Securities, shall and may finish the Collection of any Taxes or Duties yet in

Arrear and unpaid, in the same Manner as might have been done under the Laws last in Force for such Purposes.

XVIII. And be it further Enacted, by the Authority aforesaid, That the late Receiver General, and all Deputy Receivers, shall account for and pay into the Hands of the Public Treasurers, or either of them, all such Monies as they may have received by Virtue of their respective Offices, and which on the Fourth Day of July, One Thousand Seven Hundred and Seventy Six, remained in their Hands unaccounted for; and if any of them shall fail so to do above Six Months after the Ratification of this Act, the Attorney General is hereby authorized to commence a Prosecution against such Delinquent; and to the End that the Deputy Receivers who may have Monies in their Hands may be known, the Justices of the respective County Courts, within Three Months after the passing of this Act, shall transmit to the Public Treasurers respectively, the Names of such Persons as have been Deputy Receivers in their respective Counties, certified by the Clerk, for Twenty Years last past; and every such Deputy as shall not produce a full Discharge from the Receiver General, and make Oath that he hath fully accounted for and paid all the Monies by him received, shall be prosecuted, and notwithstanding a Verdict may be in his Favour, shall pay Costs.

XIX. And whereas there are considerable Sums of Money in the Hands of the Clerks of the late Superior and Inferior Courts, for Governors Fees by them received on Marriage Licences, Letters Testamentary and of Administration, and Guardianship, and other Fees and Monies by them received for the late Governor, or for the Use of the State; and as all such Monies should of Right be accounted for, and paid to the Use of the Public, Be it Enacted, by the Authority aforesaid, That the said late Clerks shall, on or before the First Day of June next, render an Account, on Oath, to the Justices of the respective Counties whereof they were lately Clerks, and to the Justices of the Superior Courts, of all the Fees and Monies by them respectively received for the Use of the late Governor, and of this State, not yet accounted for, and pay the same into the Hands of the present Clerks, in open Court, and the Justices shall cause a Copy of every such Account to be recorded in the Minutes of the Court; and the Clerks of the County Courts hereby established shall be accountable for all such Monies by them received, in the same Manner as for the Monies paid into their respective Offices.

XX. And be it Enacted, by the Authority aforesaid, That the Justices of the respective Superior and County Courts shall cause the Dockets, Minutes and Records, of the late Superior and Inferior Courts to be inspected and examined, and an Account of all Fines, Forfeitures, Amerciaments, and Recoveries on Penal Statutes, where any such Recovery, or Part thereof, was for any Public, County, or Parish use, to be taken, and to whom the same had been paid, and direct that the same be paid agreeable to Law, and on Failure thereof to be sued for.

CHAPTER IX.

An Act to prevent Abuses in taking up Stray Horses, Cattle, Hogs and Sheep, and other Things therein mentioned.

I. Whereas it becomes difficult to recover stray Horses, Cattle, Sheep and Hogs for want of some legal Provision to effect the same;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That

the respective Courts in each County within this State shall appoint a Ranger for their respective Counties, who shall hold his office during good Behaviour; and that every Freeholder who shall take up any stray Horse, Mare, Gelding or Colt, neat Cattle, Hog or Sheep, shall within Ten Days after the taking up of such Stray (the Owner of such Stray or Strays being to him unknown) make Information on Oath before the Ranger of the County wherein such Stray or Strays shall be taken up, of the Marks, Brands, and Colour, of each and every such Stray or Strays, and that the same was taken up at his or her Plantation or Place of Abode, and that the Marks or Brands have not been altered or defaced, by Means of, or to the Knowledge of such Taker up; whereupon such Ranger is hereby required to issue his Summons to any Two Freeholders of the Neighborhood, who after taking the following Oath, to-wit,

"You shall swear that you will well and truly view and appraise the Stray or Strays (as the Case may be) in the Summons to you directed without Favour or Partiality, according to your Skill and Ability. SO HELP YOU GOD," before the Ranger (who is hereby authorized to administer the same) or some Justice of the Peace for the County where such Stray or Strays shall be so taken up, shall view and appraise such Stray or Strays, and make Return thereof to the said Ranger, under their Hands and Seals; which Appraisement, with a particular and exact Description of the Marks, Brands, Age and Colour, as near as can be ascertained, of each and every such Stray or Strays, together with the Time of taking up, and Place of Abode of the Person taking up the same, shall by such Ranger be entered in a Book to be by him kept for that Purpose, and shall during the Sitting of the next succeeding Court in the County where such Entry shall be made, put up an Advertisement in the most public Place, describing therein the Kind, Marks, Brands, and Colour of all Strays entered as aforesaid; and the Ranger shall have and receive from the Person taking up such Stray or Strays, the Sum of Five Shillings for every such Entry to be by him made; and the Person taking up such Stray or Strays, for his Trouble and Expence in taking up the same, and paying as aforesaid, may demand and receive of the Person claiming the Property of the said Stray or Strays, the Sum of Five Shillings for each Horse, Two Shillings and Six Pence for each Head of Cattle, and One Shilling per Head for every Hog or Sheep.

III. And be it further Enacted, by the Authority aforesaid, That the Property of every stray Horse, Mare, Gelding or Colt, neat Cattle, Hog or Sheep, Twelve Months after such Appraisement, and no property proved by the Owner thereof, shall be deemed to be vested in the Person taking up the same.

IV. Provided nevertheless, That it shall and may be lawful for the former Owner of any such Stray or Strays, at any Time within Twelve Months after such Appraisement as aforesaid, on proving his Property to the same, by his own Oath or otherwise, to demand and recover such Stray or Strays, or the Valuation thereof, the Claimant first paying the Ranger's Fee, and the Reward for taking up the same.

V. Provided also, That where the Taker up of any Stray shall have been at any Expence for keeping and maintaining such Stray, it shall be lawful for him to retain the same until the Owner or Claimer thereof shall pay all such Expence; which expence shall be ascertained in the following Manner, to-wit, The Taker up shall obtain from some Justice of the Peace a Warrant, impowering Three Freeholders, by the said Justice to be named, to declare on Oath, upon view of the said Stray, and Examination of Witnesses if necessary, how much the said Taker up ought to demand for the

Keeping and Maintenance of the Stray; and such Sum as shall by the said Freeholders, or any Two of them, be so declared, shall be the Sum which the Taker up is and shall be intitled to demand and receive, before the Owner or Claimer can take the Stray out of his Possession.

VI. And be it further Enacted, by the Authority aforesaid, That after the Expiration of Twelve Months, each and every Person so taking up any Stray or Strays, and no Property proved by the Owner thereof, shall account for and pay into the Hands of the County Treasurer, Two Thirds of the appraised Value of all such Stray or Strays, after deducting the Ranger's Fee, and the Reward for taking up the same; and in case any Person so taking up any Stray or Strays, according to the Intent and Meaning of this Act, shall neglect or refuse to account with the said Treasurer, as in this Act before directed, he or she so failing shall forfeit and pay double the appraised Value of all such Stray or Strays by him or her so taken up, to be recovered by Action of Debt; before any Jurisdiction having Cognizance thereof, one Half to the Person suing for the same, and the other Half to the Use of the County wherein such Stray or Strays may be taken up; which said Treasurer is hereby authorized and required to receive and account for the same in the same Manner, and under the same Regulations and Restrictions, as other County Monies; which said Money shall be applied to the Use of the County, where such Stray or Strays shall be so taken up.

VII. Provided nevertheless, That it shall and may be lawful for the former Owner thereof, at any Time, on proving his Property by the Oath of one or more indifferent Witnesses, to demand and receive from the County Treasurer Two Thirds of the appraised Value of all such Stray or Strays so accounted for as aforesaid, deducting therefrom the Ranger's Fee, the Reward for taking up, and the Treasurer's Commissions of Two and a Half Per Cent. for receiving and accounting for the same.

VIII. Provided always, That if after the Appraisement of any Stray Horse, Mare, Gelding or Colt, and Entry thereof made with the Ranger as aforesaid, such Stray should happen to die within the Space of Six Months after such Appraisement, the Person taking up such Stray or Strays shall not be answerable for the same, unless such Death appears to have been occasioned by ill Usage or Abuse.

IX. And be it further Enacted, by the Authority aforesaid, That if any Person, not being a Freeholder, shall presume to take up any Stray Horse, Mare, Gelding or Colt, neat Cattle, Hog or Sheep, or if any Freeholder shall take any such Stray or Strays at any other Place than on his own Land, or shall make Use of any such Stray or Strays before the same shall be appraised as aforesaid, he or she so offending shall for every such Offence forfeit and pay the Sum of Five Pounds, to the Use of the Informer; to be covered with Costs, before any Jurisdiction having Cognizance thereof, and be further liable to the Action of the Party grieved. Provided nevertheless, That nothing herein contained shall extend to prevent any Person from taking up any Stray or Strays of any Kind, and carrying the same immediately to the Owner thereof.

X. And be it further Enacted, by the Authority aforesaid, That for the more Speedy Recovery of Strays, it shall and may be lawful for any Person, at all Times hereafter, to look over and search the Entry Books by the Act directed to be kept by the Ranger in each County in this State, for any Information he may want as to any Horse, Mare, Gelding, or Colt, neat Cattle, Hog or Sheep, which heretofore has, or hereafter may stray away from the Owner thereof, the Person requesting such Search first paying One Shilling therefor to the Ranger keeping such Book.

CHAPTER X.

An Act for ascertaining the Oath of Allegiance and Abjuration.

I. Whereas it is necessary, to prevent Persons disaffected to the present Government from enjoying Seats in the Legislature, or holding Offices under the State, that the Oath of Allegiance and Abjuration should be ascertained by a permanent Law;

II. Be it therefore Enacted, by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That every Person who shall hereafter be elected as a Member of the General Assembly, or who shall be appointed to hold any Office of Trust or Profit in this State, shall, before taking his Seat in the General Assembly, or executing the Office to which he shall be appointed as aforesaid, repeat and subscribe the following Oath, that is to say,

I, A. B., do solemnly and sincerely promise and swear, that I will be faithful and bear true Allegiance to the State of North Carolina, and to the Powers and Authorities which are or may be established for the Government thereof, not inconsistent with the Constitution. And I do solemnly and sincerely declare, that I do believe in my Conscience that neither the King of Great Britain, nor the Parliament thereof, jointly with the said King or separately, or any foreign Prince, Person, State, or Potentate, have, or ought to have any Right or Title to the Dominion or Sovereignty of this State, or to any part of the Government thereof. And I do renounce, refuse, and abjure any Allegiance or Obedience to them, or any of them, or to any Person or Persons put in Authority by or under them, or any of them. And I will do my utmost Endeavours to disclose and make known to the legislative or executive Powers of the said State, all Treasons and traiterous Conspiracies and Attempts whatsoever, which I shall know to be made or intended against the said State. And I do faithfully promise, that I will endeavour to support, maintain and defend, the Independence of the said State, against him the said King, and all other Persons whatsoever. And all these Things I do plainly and sincerely acknowledge and swear, according to these express words by me spoken, and according to the plain and common Sense and Understanding of the same Words, without any Equivocation, mental Evasion, or secret Reservation whatsoever. And I do make this Acknowledgment, Abjuration, and Promise, heartily, willingly, and truly. SO HELP ME GOD.

CHAPTER XI.

An Act for appointing Naval Officers in the different Ports of this State, and directing their Duty in Office.

I. Whereas the Laws for the Regulation of Trade cannot be observed, unless there are Officers appointed for that Purpose, and their Duty ascertained;

II. Be it therefore Enacted, by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Naval Officers for the Ports of Currituck, Roanoke, Bath, Beaufort, and Brunswick, shall be chosen by the General Assembly by joint Ballot of both Houses, and shall be commissioned by the Governor for the Time being, and shall each give Bond payable to the Governor and his Successors, in the Sum of One Thousand Pounds, for the faithful Discharge of his Duty in Office; which Bond

shall be lodged in the Secretary's Office, and upon a Breach thereof shall be assigned by the Governor for the Time being to the Party injured, who shall and may maintain a suit thereon in his own Name, and shall not become void upon the first Recovery, or if Judgment be given for the Defendant, but may be put in Suit from Time to Time, by Action of Debt, until the whole Penalty shall be recovered.

III. And be it Enacted, by the Authority Aforesaid, That every Person to be appointed a Naval Officer as aforesaid, before entering upon the Execution of his Office, shall swear that he will well and truly execute the said Office, without Prejudice or Partiality, and to the best of his Knowledge, agreeable to Law; which Oath may be taken before the Governor, any of the Justices of the Court of Equity or of the Superior Courts, or in any Court of Law in the District or County where he may reside.

IV. And be it Enacted, by the Authority aforesaid, That the Naval Officers may take the following Fees for their Services, and no more, to-wit,

For entering and clearing Vessels or Boats not decked, if bound to any other State, or to foreign Parts, the Fee of Four Shillings. For entering and clearing every decked Vessel under Twenty Tons Burthen, for administering the Oaths, taking Bonds, and all other necessary Services included, Four Dollars. And for every Vessel of Twenty Tons Burthen and upwards, including all necessary Services, the Sum of Five Dollars.

V. And be it Enacted, by the Authority aforesaid, That every Naval Officer shall on the Receipt of any Fees, give to the Person paying the same, if demanded, a Ticket of such Fees, with a Receipt for the same, under the Penalty of forfeiting for each Refusal the Sum of Fifty Pounds.

VI. And that all Persons may know what Fees are due to the said Officers, Be it Enacted, by the Authority aforesaid, That the several Naval Officers in this State shall, within Three Months after the Ratification of this Act, put up publicly in their respective Offices a Table of the Fees that may legally be taken by them according to the Directions of this Act, and shall continually keep up the same, under the Penalty of paying for each Day such Table shall not be so kept up the Sum of Twenty Shillings.

VII. And it is hereby Declared and Enacted, by the Authority aforesaid, That if any Naval Officer shall demand, extort, exact or receive, under Colour of his Office, any other or larger Fees than what is particularly mentioned in this Act, or shall refuse to do the particular Service for the Fee or Fees in this Act expressed, such Naval Officer for every such Offence shall forfeit and pay the Sum of One Thousand Pounds.

VIII. And be it further Enacted, by the Authority aforesaid, That the several Penalties in this Act mentioned shall and may be recovered by Action of Debt, in any Court of Record, by the Person or Persons grieved, with Costs, provided the suit be commenced within Six Months next after the Forfeiture or Refusal of such Naval Officers shall happen, and not otherwise.

CHAPTER XII.

An Act to amend the Staple of Tobacco, and prevent Frauds.

I. Whereas the Law heretofore in Force for amending the Staple of Tobacco, and preventing Frauds, hath been found highly beneficial to this State, as well as to the Planters of that Commodity;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That the

Inspectors of Tobacco appointed by the County Courts since the last Session of Assembly at any Public Warehouses in this State, be, and they are hereby continued, and declared to be Inspectors at the respective Warehouses for which they were appointed, until Appointments can be had agreeable to this Act, and shall have the same Powers, Authorities and Emoluments, and be subject to the Rules, Regulations and Restrictions, herein after mentioned.

III. Be it Enacted, by the Authority aforesaid, That the Inferior Court of any County in this State, where the Tobacco Inspections and Warehouses are already established, shall annually, at the first Court to be held for their County after the first Day of June, appoint Two discreet and careful Men, well acquainted with the Nature and Qualities of Tobacco, to be Inspectors thereof, who shall well and carefully examine every Hogshead, Cask, or Parcel of Tobacco, brought to their Warehouse, and such Tobacco as they shall find good, sound and merchantable, and fit for Exportation, they shall cause to be immediately headed, hooped, and nailed, and the Number nett, and Weight and Tare, with the Name of the Warehouse, stamped or marked thereon; and for all Tobacco so passed by them in Crop Hogsheads, they shall give to the Owner thereof a Receipt, containing the Warehouse, Number, Gross, Tare, and nett Weight, the Kind of Tobacco, and therein oblige themselves to deliver the same Tobacco to such Owner, or his Order, for Exportation, when demanded; and for all such Tobacco as they shall pass in Parcels, they shall give the Owner a Transfer Note, and all such parcels of Tobacco they shall immediately pack and prize into Hogsheads of at least One Thousand nett Weight, to be by them paid in Discharge of such Transfer Notes to the Persons who shall be possessed of them, deducting from their Transfer Notes when returned to them at the Rate of Two per Cent. for the first Month, and One per Cent. for every Month after One, for Shrinkage, and may also charge out of such Transfer Notes Thirty Pounds of Tobacco for the Cask; and all Tobacco brought into their Warehouses, which in their Judgment is not good, sound, and merchantable, they shall cause to be immediately burned; and where Tobacco is offered for Inspection, and it appears to them Part thereof is only fit to pass, the Owner thereof may separate such good Tobacco from the bad, and that only which is bad shall be burned; but if the Owner refuses to have the same separated, then the Inspectors shall and may burn the whole; and where the Inspectors at any Warehouse shall disagree in their Opinion of the Quality of any Hogshead of Tobacco, or where the Tobacco to be inspected is the Property of one of the Inspectors, then another sworn Inspector from the nearest Warehouse, or Justice of Peace, shall be called, and shall decide, and receive or reject the same; and where any Inspector shall die, or be rendered by Sickness or Accident unable to attend his Duty, then it shall be lawful for any Three Justices of the County to appoint and swear in any proper Person to act as Inspector, until the Disability of the other be removed, or until the Court shall appoint; and such Person so appointed to act shall be under the same Penalties, and intitled to a proportionable Part of the Salary for the Time he shall act, and be under the same Regulations, as if originally appointed by the Court.

IV. And be it further Enacted, by the Authority aforesaid, That the Inspectors to be appointed in Virtue of this Act shall give Bond and Security, to be approved by the Justices appointing them, in the Penalty of One Thousand Pounds, payable to the Governor, or Commander in Chief for the Time being, with Condition they shall respectively execute the Office of Inspector of Tobacco faithfully and truly, according to the Laws in that

Case made; which Bond, on any Suggestion made to the Commander in Chief for the Time being of a Breach thereof, shall by him be assigned to the Party injured, to be put in Suit, and shall not be void on any Recovery, until the whole Penalty be recovered; and such Inspectors shall, before they enter the Duties of their Office, take in open Court the following Oath, to-wit,

You shall swear, that you will carefully and diligently view and examine all Tobacco brought to any Public Warehouse whereof you are appointed to be Inspector, and all other Tobacco which you shall be called upon to view and Inspect, and that not separate and apart from your Fellow, but in his Presence, And that you will not receive any Tobacco that is not in your Judgment sound, well conditioned, merchantable, and clear of Trash; nor receive, pass or stamp, any Tobacco Hogshead, or Cask of Tobacco, prohibited by an Act of Assembly, intituled, An Act for regulating the Inspection of Tobacco, and preventing frauds. And that you will not change, alter, or give out any Tobacco, other than such Hogshead or Cask for which the Receipt to be taken in was given; but that you will in all Things well and faithfully discharge your Duty in the Office of an Inspector, according to the Directions of the said Act, without Fear, Favour, Affection, Malice, or Partiality. SO HELP YOU GOD.

V. And be it further Enacted, by the Authority aforesaid, That no Tobacco shall be exported out this State until the same has been carried to some Inspection, and there viewed, passed, and stamped, according to the Directions of this Act, or which has already been so done, according to the Laws heretofore in Force; and the Inspectors at every Inspection which is, or shall by Virtue of this Act be appointed, on delivering out any Tobacco from their Warehouse for Exportation, shall deliver therewith to the Master or Skipper of the Vessel receiving the same, a Manifest thereof, signed by them, containing the Marks, Numbers, Gross, Nett and Tare, of every Hogshead or Cask then delivered, with the Name of the Warehouse, and the Name of the Vessel and Master thereof in which the same is intended to be exported, and the Name of the Skipper; which Manifest, in case the Tobacco be delivered to any River Craft to be lightened down to any Seaport, shall be delivered therewith, by the Skipper of such Craft, on Board the Ship or Vessel in which the same is to be exported; or in case such Vessel cannot take it in, then in the most convenient Warehouse at or near such Seaport, there to remain until the same shall be shipped in some other Vessel for Exportation, according to the true Intent and Meaning hereof; and all Tobacco Water-borne with Intention to elude this Act, is hereby declared to be forfeited, and shall be the Property of any Person who shall seize and take Possession of the same; and in Case of Suit against the Person seizing such Tobacco, he may on the General Issue give this Act in Evidence.

VI. And be it further Enacted, by the Authority aforesaid, That the Inspectors at Halifax Warehouses shall constantly attend their Duty at the said Warehouses from the Tenth Day of October to the Tenth Day of July in every Year, on Penalty of forfeiting Forty Shillings for each Day either of them shall neglect the same, Sickness or unavoidable Accidents excepted; which Forfeiture shall and may be recovered by Warrant before any Magistrate of the County where the Inspector resides, by any Person suing for the same, to the Use of the Person suing, and shall furthermore be liable to the Action of the Party aggrieved for such Damages as he may sustain; and the Inspectors at the said Inspection of Halifax shall have and receive for their Attendance the Sum of Seventy Five Pounds each, and the Inspectors at Jones's the Sum of Thirty Seven Pounds Ten Shillings each, annually, to

commence from the Tenth Day of October last past, to be paid by the Justices of the Inferior Court for their respective Counties, out of the County money: And the Justices of any County within this State may, and are hereby directed and impowered, if necessary, to appoint such Places for the inspection of Tobacco in their County, and Inspectors to attend thereat, as to them shall seem most proper, so as such Place of Inspection be at a Landing on some sufficient Navigable Stream; and also may, at the Expence of their Counties, purchase or rent Ground, build or rent Warehouses, provide Scales and Weights, and other Matters incident to an Inspection, and allow such Salaries to the Inspectors as they shall judge proper, to be paid out of the Money assessed for the Maintenance and support of the County Charges; and also shall at any such Inspection, order and limit the Time for the Attendance of such Inspectors at their respective Warehouses; and any Inspector so to be appointed, shall be under the like Bond, Security, and Oath, and subject to the same Forfeiture, Method of Recovery, and Application, as is above directed for the non-Attendance of the Inspectors at Halifax Warehouses.

VII. And for defraying the Charges of Inspection, Be it Enacted, by the Authority aforesaid, That for every Hogshead or Cask of Crop Tobacco delivered by the Inspectors for Exportation, there shall be paid to them by the Owner or Skipper thereof Eight Shillings current Money of this State, for the Use of the County; and for every Hogshead of Transfer Tobacco prized up by them to the Weight herein directed, the Sum of Ten Shillings like Money, Five Shillings whereof for the Use of the County, and the other Five Shillings to reimburse them for Prizing and Nails: And the Inspectors shall, at the first Court for their County after the Tenth Day of July in every Year, lay before the said Court an Account on Oath of all Tobacco by them delivered for Exportation, and also an Account of their Transfer Tobacco remaining on Hand, and what Transfer Notes are not returned to them, shewing what has been gained or lost on the Allowance for Shrinkage above directed, and make a full Settlement with the Court for all Monies they are chargeable with in Virtue of this Act, before they shall obtain any Order from the Court for the Salaries which are or shall be allowed them.

VIII. Be it further Enacted, by the Authority aforesaid, That the Inspectors at Jones's Warehouse, and the Pitch Landing, in Northampton County, respectively, shall pay and satisfy to the Owners of the same the Sum of One Shilling and Six Pence for every Hogshead of Tobacco received, inspected, and delivered out of the said Warehouses, to be deducted out of the Eight Shillings per Hogshead directed to be received for the Use of the County, the Owners of such Warehouses keeping the same in Repair.

IX. And be it further Enacted, by the Authority aforesaid, That no Naval Officer in this State shall clear outwards any Ship or Vessel having Tobacco on Board, until the Captain or Master thereof shall produce and deliver to him such Manifest as above directed, signed by the Inspectors where the same was inspected, for all Tobacco he has on Board; and the Naval Officer clearing such Ship or Vessel, is hereby directed to administer to such Captain or Master, before delivering such Clearance, an Oath to this Purport: That the Manifest by him produced contains a true account of the Mark, Number, Tare and Nett Weight, stamped or marked on each Hogshead of Tobacco on Board his Vessel, as they were taken down before the same was stowed away. And the said Naval Officer is hereby authorized to take and receive two Shillings for administering the said Oath. And every Naval Officer who shall clear out any Vessel having Tobacco on Board,

without receiving such Manifest, and causing such Oath to be made before them, shall forfeit the Sum of Fifty Pounds Proclamation Money; to be recovered in any Court of Record in this State, by and for the Use of any Person who shall sue for the same.

X. And be it further Enacted, by the Authority aforesaid, That if any Person shall forge or counterfeit the Stamp, Note or Receipt, of any Inspector, or offer for sale or payment, or demand of any Inspector, Tobacco on any such forged Notes or Receipt, knowing it to be such, or shall cause to be exported any Hogshead or Cask of Tobacco stamped with a forged or counterfeit stamp, or shall take any Stave, Plank or Heading, out of any Hogshead of Tobacco stamped as herein directed, after such Hogshead shall have been delivered from any of the Public Warehouses, every Person so offending, and being thereof legally convicted, shall be adjudged a Felon, and suffer as in Cases of Felony; and if any Inspector's Note shall be lost or destroyed, the Owner thereof may, on making Oath before some Magistrate of the Quantity of Tobacco mentioned in the same, and that the Note is lost or destroyed, and that he or she so making Oath is the lawful Owner thereof, and intitled to receive the Tobacco therein mentioned, obtain a Certificate from the Justice administering such Oath, and shall thereby be intitled to receive the Tobacco for which the lost Note was given; and if any Person shall be convicted of making a false Oath, or producing a forged Certificate, in the above Case, knowing the same to be forged, he shall suffer as in Cases of wilful and corrupt Perjury.

XI. And be it further Enacted, by the Authority aforesaid, That if any Warehouse at any of the Tobacco Inspections in this State, that is or shall be appointed, shall happen to be burned, and Tobacco therein destroyed, the Value of the Tobacco so burned shall be paid to the Proprietor thereof by the Counties where the same was made, in Proportion to the Quantity brought to Inspection by the different Counties; and where such Accident shall happen, no Inspector shall be sued, by Reason of any Notes or Receipts by them given for Tobacco so burned.

XII. And be it further Enacted, by the Authority aforesaid, That no Inspector of Tobacco shall be capable of being elected Member of Assembly, during his Continuance in his Office of Inspector, or within one Year after; nor shall any Inspector, directly or indirectly, buy or receive, by Way of Barter, Loan or Exchange, any Tobacco whatsoever (Payments in Tobacco for their own Rents excepted) under the Penalty of forfeiting their Office: And when any Person demands Tobacco of any Inspector on their Notes, and shall have cause to doubt the same hath received Damage after Inspection, Three Justices of the County, not being Merchants, where the Tobacco is, shall on the application of the Person demanding the Tobacco, repair immediately to the Warehouse, and there (being first sworn before some other Justice, who is hereby impowered to administer such Oath) well and carefully view and examine the said Tobacco in Dispute, and give their Opinion thereon whether the same ought to pass or be rejected, according to the best of their Judgment and Conscience, without Favour or Affection; and if in their Judgment it is good, sound, and fit for Exportation, the Tobacco so passed shall be a sufficient Tender to the Party demanding on the Notes for the same, and in that Case the Party so calling a Review, shall pay and satisfy to the Justices so attending Eight Shillings each; but if they reject the Tobacco so reviewed, in that Case the Inspectors shall pay the said Justices Eight Shillings each, and shall be liable to the Owner of the Notes for the Value of the Tobacco so rejected, and such Damages as he may sustain by laying out of the same from the Time of demanding.

XIII. And be it further Enacted, by the Authority aforesaid, That no Slaves within the Counties of Halifax, Northampton, Bute, Granville, Edgecombe, and Wake, for his own Benefit, shall cultivate any Tobacco, under the Penalty of Five Pounds current Money of this State for every Five Hundred Hills so cultivated, to be recovered from the Master, Owner or Overseer, of such Slaves, by Action of Debt, before any Jurisdiction having Cognizance thereof; one Half to the Informer, and the other Half to the Use of the County where such Slave shall reside.

XIV. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall extend to the Ports of Beaufort, Bath, or Currituck, but that the Naval Officers shall clear out Vessels with Tobacco in the same Manner as heretofore.

CHAPTER XIII.

An Act for amending an Act, intituled, An Act for levying a Tax by Assessment and other Purposes passed the last Session of this Assembly.

I. Whereas the levying a tax by General Assessment on Property will tend to the Ease of the Inhabitants of this State, and will greatly relieve the poor People thereof; and as the Mode for assessing Property, and collecting Public Taxes in this State, should be appertained and established by Law.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all Lands and Lots, with their Improvements, Slaves, Money, Money at Interest, and Stock in Trade, wherever the same may be, all Bonds, Notes, or other Obligations for Value on Interest, all Horses and neat Cattle, in this State. shall be held and deemed taxable Property liable to be assessed, and the Taxes laid thereon by Law collected in the Manner directed by this Act.

III. And be it further Enacted, by the Authority aforesaid, That the several County Courts in this State shall at their respective Courts to be held after the First Day of April next, and so at such Courts yearly, and every Year, lay out their respective Counties into moderate and convenient Districts, and shall appoint a Justice of the Peace in each District to receive from every Inhabitant thereof a just and true Account, on Oath, of all the taxable Property which such Person had in Care, or was possessed of in his own Right, or as Agent, Factor or Attorney, or in Trust for any other Person, on the First Day of April then last past; and every Inhabitant of the respective Districts of each County in this State shall, within One Month after such Court, return on Oath to the Justice appointed to receive the same, a true and just Account of all such Articles as by this Act are declared to be taxable Property, which to him belonged as aforesaid on the First Day of April then last past; which Accounts shall be immediately delivered by the Justice receiving the same to the Person appointed to value the taxable Property of the Inhabitants of such District, together with an Account of the taxable Part of his own Estate, upon Oath: And the said Justice of the Peace is hereby required to administer to every Person delivering such Account as aforesaid, the following Oath:

I, A. B. do swear, that the List by me now delivered contains a just Account of all the Lands, Lots, Houses, and their Improvements, Slaves, Money, Money at Interest, Stock in Trade, Bonds, Notes, and other Obligations for Value on Interest, and of all the Horses and neat Cattle which to me belonged, or which were in my Care or Possession as Agent, Factor or Attorney, or in Trust for any other Person whatsoever, on the First Day

of April last, without Deduction for any Demands against me, of whatever Kind. SO HELP ME GOD. And that I have not, directly or indirectly, lent or conveyed away any Money, or other Part of my Property, by any Means whatsoever, with Intent thereby to evade Payment of the Tax to which by law the same is liable.

IV. And be it further Enacted, by the Authority aforesaid, That the said Courts respectively shall annually appoint Three honest and intelligent Persons in each District of their respective Counties, who shall on Oath, to be administered by any Justice of the Peace, value the taxable Property of the Inhabitants of such District, as near as may be, to what the same would then sell for at public Sale for ready Money, and make Return thereof to the next succeeding County Court; and in case they cannot all agree in such Valuation, the Agreement of any Two shall be valid, but where they shall all differ in Opinion respecting the Value of any Property, then, and in that Case, the Valuation of each of the said Persons shall be added together, and the third Part of all the three Sums shall be returned to the Court accordingly; and the Persons appointed to value the taxable Property of such Inhabitants, shall respectively, previous to their valuing the same, take before some Justice of the Peace the following Oath:

I, A. B. do solemnly swear, that I will faithfully, without Favour or Prejudice, and to the best of my Understanding, according to Law, value and appraise the taxable Property of the Inhabitants of the District wherein I am appointed for that Purpose. SO HELP ME GOD.

V. And be it further Enacted, by the Authority aforesaid, That in case any Person or Persons, his, her, or their Attorney, Agent or Factor, shall fail or refuse in due Time to give in to the Justice of the Peace appointed to receive the same, on oath, an account of all his, her, or their taxable Property, agreeable to the Directions, true Intent and Meaning of this Act, it shall and may be lawful for the Assessors in their respective Districts to value and appraise, to the best of their Knowledge, the taxable Property of the Person or Persons so failing or refusing as aforesaid; and the Tax on all such Property shall be fourfold the Sum which such Amount of taxable Property for that Year would otherwise have been liable to, and shall be collected and accounted for as all other Public Taxes:

VI. And be it further Enacted, by the Authority aforesaid, That every Freeman in this State of the Age of Twenty One Years and upwards (other than Soldiers in the Service of the Continent, or of this State) who shall not possess the value of One Hundred Pounds in taxable Property, shall pay annually, in Lieu of Assessment on Property, a Poll Tax equal to the Tax for that Year on One Hundred Pounds taxable Property, which shall be collected and accounted for as other Taxes mentioned in this Act.

VII. And be it Enacted, by the Authority aforesaid, That the respective Taxgatherers shall collect the Public Tax, and after deducting their Commissions, pay the same to the County Treasurer, on or before the First Day of February in each year; and the County Treasurers in this State shall, after deducting their respective Commissions, settle with and pay into the Hands of one of the Public Treasurers of the State, on or before the First Day of March in each Year, all such Monies as they shall have received from the public Taxgatherers; and the County Treasurer and Public Taxgatherers, or any of them, failing to account and pay in Manner by this Act directed, shall forfeit his or their Commissions given by this Act, and shall be liable to pay the whole Sums which they respectively ought to have collected, received and paid: And when any Taxgatherer or County Treasurer shall be in Arrear, it shall be lawful for the Person to whom such

Arrears are payable, and he is hereby required, to move for Judgment on the Bond of the Person so in Arrear, in any Court having Cognizance thereof; and such Court, upon due Proof before them made that the Obligors have had Ten Days previous Notice, shall cause them to be called, and if they shall appear and contest the same, the Court shall order an Issue to be speedily made up, and tried by a Jury, and shall give Judgment and award Execution accordingly; but where the Obligors shall fail to appear, the Court shall cause a Jury to be sworn, to inquire what Arrears are due, and shall give Judgment and award Execution accordingly.

VIII. And be it further Enacted, by the Authority aforesaid, That every Justice of the Peace who shall be appointed to receive Lists of taxable Property from the Inhabitants of their respective Districts, or any of them, or any of the Persons to be appointed to value the Property of the Inhabitants aforesaid, who shall refuse or neglect to do and perform the several and respective Duties required of them by this Act, or any of them, the Person or Persons so refusing or neglecting, shall forfeit and pay for every such Refusal or Neglect the Sum of One Hundred Pounds good and lawful Money of this State; to be recovered by Action of Debt, in the Name of the Governor, and applied to the Use of the Public.

IX. And be it Enacted, by the Authority aforesaid, That Inventories of the Estates of Testators, Intestates, Minors and Absentees, shall be delivered by the Executors, Administrators, Guardians, Agents or Attornies, respectively, in the same Manner as the Estates of other Persons, and on Refusal or Neglect, shall be valued as aforesaid; and the Tax shall be levied of the proper Estate of such Executor, Administrator, Guardian, Agent or Attorney, so refusing or neglecting as aforesaid, any Law, Usage or Custom, to the contrary notwithstanding.

X. And be it further Enacted, by the Authority aforesaid, That the real Estates of Persons residing out of this State, or Inhabitants thereof, who have not any personal property therein, shall be assessed yearly by the Persons appointed to value the Estates of the Inhabitants, and a particular and separate Return thereof made to the County Court; and if the Assessment thereon shall not be discharged within Two Years after the same became due, then such Estate, or so much thereof as may be necessary to discharge the several Assessments, with all contingent Charges, shall be sold by the Sheriff of the County wherein the same shall lie, by Order of the County Court, any Law or Usage to the contrary notwithstanding: and the taxable Part of the Estates of the Persons appointed to value the Property of the Inhabitants of the respective Districts of every County in this State, shall be valued and appraised by the Court of the County wherein they reside, and the Taxgatherers shall collect and account for the same, and for their own Taxes, with the County Treasurer, as for other Public Taxes.

XI. And be it further Enacted, by the Authority aforesaid, That if any Person, after being lawfully taxed as aforesaid, shall neglect or refuse to pay the sum he shall be so taxed for the Space of One Month after the First Day of December in every Year, the respective Collectors or Taxgatherers may, and they are hereby impowered to levy the same by Distress and Sale of the Goods and Chattels of such Delinquent, and shall be intitled to take and receive for such Distress the Sum of Two Shillings and Eight Pence, and no more.

XII. Provided always, That no Distress shall be made on Slaves without the Consent of the Owner thereof, if other sufficient personal Estate can be found: and the respective County Courts in this State shall transmit yearly

to the General Assembly an exact Account of the Valuation or Assessment in their respective Counties, which Account shall be signed by the presiding Justice in such Court, and certified by the Clerk thereof.

XIII. And for the more effectual collecting and gathering of the Taxes to be assessed in Virtue of this Act, Be it Enacted, by the Authority aforesaid, That the respective County Courts in this State shall appoint a Collector or Taxgatherer within each District of each respective County, who shall collect all the Taxes of such District, but before executing his said Office shall enter into Bond, with sufficient Security, in double the Sum by him to be collected, payable to the Governor or Commander in Chief for the Time being, for the faithful Discharge of his Duty; and every Taxgatherer shall be allowed at the Rate of Six Pounds for every Hundred Pounds he shall so collect, and so in proportion for a greater or less Sum.

XIV. And be it further Enacted, by the Authority aforesaid, That the Sheriffs of every County in this State respectively shall, and they are hereby required to demand and receive of the Taxgatherers within their respective Counties, all Sums of Money which shall be collected for Public Taxes by the said Taxgatherers, and for that Purpose the Sheriffs shall be, and they are hereby respectively constituted County Treasurers, and shall be allowed at the Rate of Two Pounds for every Hundred Pounds they shall so receive as aforesaid; and every Sheriff, before he qualifies as such, shall enter into a Bond in the Court of his County, with Two or more sufficient Securities, in double the Amount of the Tax assessed in his County, payable to the Governor or Commander in Chief, with Condition that he will well and truly account for and pay to the Public Treasurer or Treasurers, all such Sums of Money as he shall receive from the Taxgatherers aforesaid, after deducting the Commissions allowed him by this Act.

XV. And be it Enacted, by the Authority aforesaid, That if the Justices of the respective County Courts shall fail or neglect to lay out their respective Counties into Districts as directed by this Act, or fail or neglect to appoint a Justice of the Peace in each District to receive the Accounts of the taxable Property of the Inhabitants thereof, or Persons to ascertain the Value of such Property, or a Taxgatherer in each District to collect the Public Taxes, or shall fail or neglect any other Duty by this Act required, every Justice so failing or neglecting as aforesaid, shall forfeit and pay for each Neglect the Sum of One Hundred Pounds; to be recovered by Action of Debt, in any Court of Record, in the Name of the Governor or Commander in Chief, and applied to the Use of this State.

XVI. And be it further Enacted, by the Authority aforesaid, That the respective County Courts in this State may allow the Assessors of taxable Property, and the Persons appointed to summon the Inhabitants to return to the Justices Inventories of such property, a reasonable Sum annually out of the contingent County Tax, as a Recompence for such Services.

XVII. And be it Enacted, by the Authority aforesaid, That every Person holding Lands by Title of Dower, Courtesy, or other Estate for Life, or on Lease for Ten Years or more, shall pay all such Taxes as shall be on the same assessed, in like Manner as other Owners of Lands are required by this Act.

XVIII. And be it also Enacted, by the Authority aforesaid, That the Second, Third, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth, Tenth, Eleventh, Twelfth, Thirteenth, Fourteenth, Fifteenth, Sixteenth, Seventeenth, Eighteenth, and Nineteenth Sections of an Act of Assembly, intituled, An Act for levying a Tax by General Assessment, and other Purposes, be, and

the same are hereby declared to be repealed, made null and void, to all Intents and Purposes, as if the same had never been made.

CHAPTER XIV.

An Act to enforce such Parts of the Statute and Common Laws as have been heretofore in Force and Use here, and the Acts of Assembly made and passed when this Territory was under the Government of the late Proprietors, and the Crown of Great Britain; and for reviving the several Acts therein mentioned.

I. Whereas Doubts may arise upon the Revolution in Government, whether any and what Laws continue in Force here: For Prevention of which,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all such Statutes and Parts of Statutes, and such Parts of the Common Law, as were heretofore in Force and Use within this Territory, and all the Acts of the late General Assemblies thereof, or so much of the said Statutes, Common Law, and Acts of Assembly, as are not destructive of, or repugnant to; or inconsistent with, the Freedom and Independence of this State, and the Form of Government therein established, and which have not otherwise been provided for in Whole or in Part, not abrogated, repealed, expired, or become obsolete, are hereby declared to be in full Force within this State, and shall be observed accordingly.

III. And be it Enacted, by the Authority aforesaid, That one Act of the General Assembly made under the late Government, intituled, An Act for the more advantageous and easy Manner of obtaining Partitions of Lands in Coparcenary, Joint Tenancy, and Tenancy in Common; one other Act, intituled, An Act to prevent Card Playing, and other deceitful Gaming, passed at New Bern in the Month of December One Thousand Seven Hundred and Seventy, and since expired; and also one other Act, intituled, An Act for the Relief of Insolvent Debtors, with Respect to the Imprisonment of their Persons, made and passed at New Bern the Sixth Day of March, One Thousand Seven Hundred and Seventy Three, but since repealed by Proclamation; and the following Acts, passed last session of this present General Assembly, but which will expire with this Session, if not revived, to-wit, An Act to prevent hunting with a Gun by Fire Light in the Night; and An Act to prevent counterfeiting the Lottery Tickets of the United States, and other Purposes; and An Act to promote the recruiting Service, apprehending Deserters, and other Purposes therein mentioned; be, and are hereby revived, and declared to be in full Force, so far as the said Acts are not destructive of, repugnant to, or inconsistent with, the Freedom and Independence of this State, and the Form of Government therein established.

IV. And be it further Enacted, That this Act shall be, continue, and remain in full Force and Virtue, till the End of the next Session of Assembly, and no longer.

CHAPTER XV.

An Act to amend an Act, intituled, An Act to establish a Militia in this State.

I. Whereas a well regulated Militia is absolutely necessary for the defending and securing the Liberties of a free State.

II. Be it Enacted by the General Assembly of the State of North Carolina,

and it is hereby Enacted by the Authority of the same, That every Captain of Militia within this State, once in every Six Months, shall return a Muster Roll of his Company, divided and numbered as by the Act aforesaid is directed, to the commanding Officer of the Regiment, under Pain of forfeiting Five Pounds for every default; and the commanding Officer of each Regiment shall make an exact Return from such Lists within Twenty Days after receiving the same to the Brigadier General of the District, under Pain of forfeiting Twenty Five Pounds for every District.

III. And be it further Enacted, That the Commanding Officer of every Regiment shall twice in every Year, and oftener if thereto required by the Brigadier General of the District, order a general Return, at the most convenient Place for his Regiment, under Pain of forfeiting Twenty-Five Pounds for every Default; and every Captain shall muster and train his Company, divided as before directed, once in every Month, and oftener if directed by the commanding Officer, under pain of Forfeiting Five Pounds for every Default; and every soldier neglecting or refusing to attend the General Muster, shall forfeit the Sum of Twenty Shillings; and if a Private Muster Ten Shillings, to be recovered, together with the foregoing Forfeitures, as herein after directed.

IV. And be it further Enacted, That the Brigadier Generals respectively shall return an exact Roll of all the Officers and Soldiers of their Brigades, distinguished into their proper Companies and Divisions, to the Governor once in every Year, and oftener if required, under the Penalty of One Hundred Pounds for every Default.

V. And be it further Enacted, That each Militia Soldier shall be furnished with a good Gun, Shot Bag, and Powder Horn, a Cutlass or Tomahawk; and every Soldier neglecting to appear at any Muster accoutered as above shall forfeit, for every such Offence, Two Shillings and Six Pence, (unless he can make it appear they were not to be procured) to be recovered as other Fines: And where any Person shall appear to the Field Officers not possessed of sufficient Property to afford such Arms and Accoutrements, the same shall be procured at the Expence of the County and given to such Persons on muster Days, or when ordered into Service, which Guns and Accoutrements, after such Service, shall be returned to the Captain of the Company and by him carefully preserved for future Occasions: And whenever the Militia are called into Service they shall be allowed as follows, viz. Two Baggage Waggons or Four Carts for every Company, and one Waggon or Two Carts for a Brigadier-General. One Waggon or Two Carts for the Field Officers of each Regiment. Two Waggons or Four Carts for the subaltern Officers of each Regiment. Ammunition Waggons at the Discretion of the Brigadier-General. The same Rations to Men and Officers as allowed to the continental Army, to be supplied by Commissaries appointed by the Brigadier. One Bell Tent to each Company; Intrenching Tools, Six Axes, and a sufficient Number of Camp Kettles. And the Pay of the Men and Officers as follows, to-wit, A Colonel, per Day, Twelve Shillings and Six Pence. A Lieutenant Colonel, Ten Shillings. A Major, Ten Shillings. A Captain, Seven Shillings and Six Pence. A Lieutenant and Surgeon, Five Shillings. An Adjutant, Seven Shillings and Six Pence. An Ensign, Four Shillings and Six Pence. A Serjeant, Four Shillings. A Corporal, Drummer, and Fifer, Three Shillings. Each Rank and File Man, Two Shillings and Six Pence. A Brigadier General, One Pound Twelve Shillings.

VI. And be it Enacted, by the Authority aforesaid, That there shall be one Quarter Master to every Brigade, with Power to appoint Deputies, with the Consent of the Brigadier General; and every Colonel, or commanding

Officer of a Battalion, shall appoint a Quarter Master to attend the same, or any Detachment thereof, when ordered into actual Service, to continue only until such Battalion or Detachment shall join the Brigade of which it shall be a Part: And every Quarter Master shall keep an exact Account of the Disbursements within his Department, and produce Vouchers for every Expenditure before the same shall be allowed.

VII. And be it further Enacted, That there shall be Ten Light Horse-Men, and no more, from each Regiment, to be arrayed in one or more Companies when they shall have joined the Brigade, at the Discretion of the Brigadier General.

VIII. And be it further Enacted, That no Officer or Soldier in the Militia Service shall be tried for any Offence against the Militia Law, or the Articles of War, except by a Court Martial, to consist only of Militia Officers.

IX. And be it further Enacted, That no Brigade, Regiment, Company, or Division of Militia, shall be under Command of any but Militia Officers, except when such Militia shall be ordered by the civil Power to join the continental Troops, in which Case the Continental Officer of equal, and the militia Officer of superior Denomination, shall command.

X. And be it further Enacted, That such Division as shall at any Time be called into Service, shall be formed into Companies of not less than Fifty Men each, with a proportionable Number of Officers, Serjeants, Corporals, Fifers and Drummers, and all the Officers of each Regiment shall agree among themselves concerning who shall command the Men directed to march into actual service; but if they cannot agree, the commanding Officer shall cause lots to be drawn, and the Officers on whom such Lot shall fall shall command in their proper Rank and Department.

XI. And be it further Enacted, That all Persons within the Ages of Sixteen and Fifty shall be liable to be drafted, and every Person so drafted obliged to serve, or find an able bodied Person in his Room; provided that the Council of State, Public Secretary, Justices of the Superior Courts of Law and Equity, Justices of the Peace, Attorney General, Ministers of some Church regularly called, and having the Cure of Souls, Treasurer of the Loan Office, Clerks of Courts, Entry Takers and Surveyors, and continental Postmasters and Postriders, shall not be obliged to attend general or private Musters.

XII. And be it further Enacted, That for all Defaults at private Musters, if the Delinquent shall fail to appear at the next succeeding Muster, and shew sufficient Cause for such Default, the Captain shall issue his Warrant to the Serjeant for levying the above Fines by Distress on the Delinquent's Goods and Chattels, and the fines so collected shall be applied towards providing Arms for such as have not sufficient Property to procure such for themselves; and when no Property can be found, the Delinquent shall and may be taken in Custody, and unless he can find Security for the Payment of the Fine incurred before the next Muster, shall and may be committed for the same for a Space not exceeding Two Days, and shall pay the Prison Fees.

XIII. Provided, That where any Person shall fail to appear at any private Muster, and the Captain of the Company may suspect such Person of having an Intention of removing himself out of the County before the next succeeding Muster, in such Case it shall and may be lawful for the Captain to issue a Citation against such Defaulter, requiring him by a certain Day, not exceeding Ten from the Date thereof, to appear and shew Cause, if any he can, why the Fine should not be levied; and if he shall fail to appear, or appearing, to make sufficient Excuse, he shall be subject to the same

Proceedings as if he had failed to make Excuse at the succeeding Muster: And every Person who shall think himself aggrieved, may complain to the next Court Martial, and if the said Court shall think he was unjustly fined, they shall order the Money to be refunded, if paid, and if any Security has been given, that the same be released.

XIV. And be it further Enacted, That there shall be a Court Martial held the Day after every General Muster, to be composed of one Field Officer, and Six Captains or Subalterns at least, which said Court shall have full Power to inquire into the Age and Abilities of all Persons inlisted, and to exempt such as they judge incapable of Service, and of all Neglects and Omissions, as well by any Officers or Soldiers, and to hear and determine all Appeals whatever, and to dispose of all Fines for the Use of the County; and the said Court is hereby directed and required to keep a Register of all their Proceedings, and for that Purpose to appoint a Clerk, and allow him a reasonable Salary out of the Fines.

XV. And be it further Enacted, That if any Soldier shall during the Time of any Muster, or when in Service, resist his commanding Officer, or refuse his lawful Commands, such Soldier shall be punished at the Discretion of his Officer, by being tied Neck and Heels not exceeding Fifteen Minutes; and if any Officer or Soldier shall refuse to carry such Commands into Execution, every one so offending shall forfeit and pay the Sum of Five Pounds, to be levied by a Warrant from any Field Officer in the Regiment, on the Goods and Chattels of the Delinquent, and applied as other Fines mentioned in this Act; and if no Goods or Chattels shall be found, it shall and may be lawful to seize and commit such Delinquent for a Space not exceeding four Days, and shall pay the Prison Fees.

XVI. And be it further Enacted, That no Officer or Soldier going to, continuing at, or returning from any Muster, in any reasonable Time, shall be liable to be arrested by any Officer in any civil Action or Process whatever, any Law, Usage or Custom, to the contrary notwithstanding.

XVII. And be it further Enacted, That in all Cases where it shall be requisite to administer an Oath relative to any military Matters, any commissioned Officer is hereby required to administer the same.

XVIII. Be it further Enacted, That no Officer or Soldier of the Militia or Regulars in the State shall press any Waggon, Cart or Horse, Arms or other Things, of any Nature whatsoever, unless authorized thereto by Warrants under the Hands and Seals of two Justices of the Peace (not being Militia officers then in actual service) of the County where such Press shall be necessary; and any Officer or Soldier before he shall press any Thing as aforesaid, shall demand the same peaceably from the Owner or Possessor thereof, and in Case of Refusal, shall produce his Warrant aforesaid before he proceeds to press, and if the Owner or Possessor shall still refuse the Thing demanded, it shall be lawful to press the same; and every Officer or Soldier who shall offend against this Act, shall forfeit and pay Ten Pounds for every such Offence to the Person injured, and be moreover liable to the Action or Actions of the Party grieved, to be recovered before any Jurisdiction having Cognizance thereof; and every thing so pressed or obtained shall be valued by two indifferent Persons, on Oath, and a Certificate of the Valuation given by such Valuers to the Owner or Possessor from whom the same shall be pressed or obtained, in order that if the same shall not be restored to the Owner or Possessor, he may be allowed such Valuation by the Public.

XIX. And be it further Enacted, by the Authority aforesaid, That every Person who shall neglect or refuse, on Call or Alarm given, to appear himself in Person, or send an able bodied Man in his Stead, at such Times and

Places as shall be appointed by his Captain or other Officer, or who shall refuse to march against the Enemy when commanded, or refuse or neglect to do his Duty, or perform the Service he is put upon by his Captain or other Officer, or shall quit his Post, desert his Colours; or mutiny, it shall and may be lawful for the commanding Officer of the Brigade, Regiment or Company, to whom such Defaulter shall belong, to send a Guard to take him into Custody, and also for one Field Officer or more, two Captains, two Lieutenants, and two Ensigns, or the Majority of them, openly to hold a Court Martial, first taking the following Oath, which is to be taken by all other Court Martials, viz.

You shall swear well and truly to try, according to Evidence, in the Matter now before you.

And on Trial and Conviction to punish the Offender according to Martial Law, as the Nature of the Offence may require (Death excepted.) And for want of such Number of Officers to compleat a Court Martial, the Offender shall be kept under Guard until such Time as there shall be a sufficient Number for that Purpose.

XX. Provided, That where any Person shall produce a proper authenticated Certificate from the yearly or quarterly Meeting of the Society of People called Quakers, or the religious governing Authorities of the People called Moravians, Dunkards, and Menonists, every such Person shall be subject to a Fine of Twenty Five Pounds, to be levied of his Goods and Chattels, Lands and Tenements, or of the Goods and Chattels, Lands and Tenements, or any such Society, which may belong to them, in Lieu of their personal Service on any Alarm or Expedition, such Fine to be paid into the Public Treasury, and applied to defray the Expences of the War.

XXI. And be it further Enacted, by the Authority aforesaid, That when any Brigade shall be ordered into actual Service, the following Rules and Regulations shall be observed, viz. One Waggon Master shall be appointed by the Field Officers of every Battalion, subject to be removed or rejected by the Brigadier General, who before he enters upon his Duty, shall take an Oath, that he shall faithfully execute the said Office; and the Commissaries shall every Morning make a Return to the Waggon Master of the Provisions, which theWaggon Master having examined and compared, shall return signed and certified to the commanding Officer; and the Waggon Master shall attend, as his special Duty, to the Arrangement of the Waggons, taking Care that every Morning no more begin to march than one for every Ton of Provisions, except where there may be Half a Ton or upwards over and above what will make a Ton for every Waggon but one, in which Case the one Waggon shall be kept in Service until so much is consumed as to render it below Half a Ton; and in all Cases where the Quantity over a Ton for each Waggon is less than Half a Ton, the Overplus shall be distributed into the other Waggons as equally as may be; and every Morning all the empty Waggons shall be discharged, each Waggon having first obtained a Certificate from the Waggon Master, setting forth the Number of Days it had been in Service, and the Place where discharged, and the Distance to return; and for every Twenty Miles of such Return, each Waggon shall be allowed Twenty Shillings, or one Day's Pay, and Half the Sum shall be allowed for such Carts as shall be employed in the Service; and every Waggon Master shall be allowed the Pay and Rations of a Major: Also that there be a Paymaster to be appointed to each Brigade, who shall attend the same, and be allowed Major's Pay and Rations; and he shall produce as Vouchers, Receipts from every Officer and Soldier who shall appear on the Muster Rolls of the Brigade to which he belongs, for such Sums as he shall pay away.

XXII. And be it further Enacted, by the Authority aforesaid, That the Divisions made for drafting the Militia in the several Counties in this State, according to a resolve of Congress, passed at Halifax in May, One Thousand Seven Hundred and Seventy Six, shall continue, and the Persons who have in Pursuance thereof been drafted, and actually called forth into the Service of this State, shall not be again drafted, nor called into actual Service, till according to the Order of the said Divisions, it shall in Rotation come to their Turn to be again drafted, and called into the actual Service of this State, any Thing in this Act contained to the contrary notwithstanding.

XXIII. Whereas the Penalties incurred by some of the Militia, who refused to march on the late Expedition against the Cherokee Indians, and other Enemies, for the necessary Defence of this State, have been imposed agreeable to Act of Assembly, and Resolves of Congress; and whereas some of the said Penalties Incurred and imposed as aforesaid have not been collected, Be it therefore Enacted, by the Authority aforesaid, That the Colonel or Commanding Officer of every Regiment of Militia in this State shall, and he is hereby impowered and authorized to issue his Precept under his Hand and Seal, directed to the Sheriff of the County where the Offender resides, to levy the said Fines by Distress and Sale of the Offenders Goods and Chattels, and the said Fines shall be applied in the same Manner as other Fines imposed by this Act; and the Sheriffs for this Service, shall out of the said Fines receive the Fees allowed by Law for levying Executions, and for every Neglect or Refusal shall forfeit and pay the Sum of Ten Pounds.

XXIV. And be it Enacted, by the Authority aforesaid, That if any Militia Officer shall fail or neglect to call his respective Regiment, Company or Corps, together, or to exercise, discipline and train the same when assembled, in Manner as by this Act is directed, such Officer so failing or neglecting as aforesaid, shall forfeit and pay as follows, to-wit, A Colonel Commandant, the Sum of Twenty Five Pounds, a Lieutenant Colonel, the Sum of Twenty Pounds, a Major, the Sum of Twenty Pounds, a Captain, the Sum of Ten Pounds, a Lieutenant, the Sum of Five Pounds, and an Ensign, the Sum of Five Pounds; which several Penalties and Forfeitures may be sued for and recovered by Action of Debt, Bill or Plaint, before any Jurisdiction having Cognizance thereof, with Costs; one Moiety whereof shall be paid to the Brigadier General of the District, to be applied towards purchasing Arms, &c., for the Use of the Militia of the County where the Forfeiture shall be, and the other Half to the Person who shall sue for the same.

XXV. And be it further Enacted, by the Authority aforesaid, That every Militia Officer, before he shall enter upon the Execution of his Office, shall take the Oath appointed for the Qualification of Public Officers.

XXVI. And be it also Enacted, by the Authority aforesaid, That where any Invasion or Insurrection shall happen within this State, the nearest Militia Officer shall give immediate Notice thereof to his next superior Officer, who shall communicate the same to the next Superior, and so on to the Brigadier General, who shall convey the same to the Governor or Commander in Chief, and in the mean Time every such Officer shall use his utmost Endeavours to collect a Force sufficient to repel the Enemy, or suppress the Insurrection; and every Officer failing herein, shall be subject to such Punishment as shall be adjudged by a Court Martial.

XXVII. And be it Enacted, by the Authority aforesaid, That every Serjeant, for levying any Fine for not attending at general or private Musters, and for not appearing properly equipped, shall have and receive the following Fees, viz: For Fines for non-Attendance Four Shillings, for Fines for not being equipped One Shilling and Four Pence, to be paid out of the said

Fines. And when any Apprentice or Servant, or any Minor, shall absent himself from Militia Duties, he shall be subject to the Penalties by this Act directed for Offences of the same Nature; and if by this Act such Offences are made subject to a Fine or Fines, such Fine or Fines shall be levied by Distress upon the Effects of the Master of such Servant or Apprentice, or upon the Effects of the Parent of such Minor, or of his Guardian, in Case he shall be an Orphan.

XXVIII. And be it also Enacted, by the Authority aforesaid, That all and every Section of the Act before mentioned, which shall come within the Purview of this Act, shall be, and is hereby repealed.

CHAPTER XVI.

An Act to impower the Court of Admiralty of this State to have Jurisdiction in all Cases of Capture of the Ships and other Vessels of the Inhabitants and Subjects of Great Britain, to establish the Trial by Jury in the said Court in Cases of Capture.

I. Whereas the Continental Congress, by several Resolves, have declared that all Ships and Vessels, as well Ships of War and Transports as Merchant Ships and Vessels, their Tackle, Apparel and Furniture, and all Goods, Wares and Merchandize, belonging to any Inhabitant or Inhabitants of Great Britain, or to any Subject or Subjects of the King of Great Britain (except the Inhabitants of Bermuda and Providence, or Bahama Islands) taken on the High Seas, or between high and low Water Mark, by any armed Vessel, fitted out by any private Person or Persons to whom Commissions shall be granted, or by any of the Vessels of War of these United States, or by any Vessel of War fitted out by, and at the Expence of any of the United States, or which shall happen to be taken near the Shores of any of these States by the People from the Country, or Detachments from the Army, shall be deemed and adjudged lawful Prize; and whereas the said Congress have recommended to the several Assemblies or Legislatures in the said States as soon as possible to erect Courts of Justice, or to give Jurisdiction to those already established in the said States, for determining concerning the Captures to be made as aforesaid, and also recommended that all Trials in such Case be had by a jury, under such Qualifications as to the respective Legislatures shall be expedient.

II. Be it therefore Enacted, by the General Assembly of this State, and by the Authority of the same, That the Court of Admiralty of this State shall have jurisdiction, and may proceed to the Trial and Condemnation of all such Ships and Vessels, their Tackle, Apparel and Furniture, and all Goods, Wares and Merchandize, on Board thereof, as are herein before mentioned; and the Judge of the said Court for the Time being is hereby authorized and required, on Petition to him for that Purpose, to appoint a Court to be forthwith held, that only one Monition shall issue, returnable on the Fourth Day from the Time of Instituting the Suit, and on the return of the said Monition, that the Judge shall order a Jury to be summoned, returnable within Four Days thereafter, previous to all Claims to any Ship or Vessel, Goods, Wares or Merchandize, shall be duly entered and made in the usual Form, and attested on Oath on the Return of the said Monition, and not after, and the Claimant or Claimants shall, at the Time of exhibiting the same, give sufficient Security, to be approved of by the Judge of the said Court, to pay double the Costs necessarily incurred by exhibiting his or their Claim, to the Captor or Captors of such Ships, Vessel, Goods, Wares or Mer-

chandize, if the Jury shall find the same to be lawful Prize, and his or their Claim be dismissed; if no Claim be entered within the Time limited, the Jury shall nevertheless be sworn to try the Cause, and their Verdict, with the Decree of the Judge founded thereon, shall be final and conclusive.

III. Provided nevertheless, and it is hereby further Enacted, by the Authority aforesaid, That if any Captor or Captors, Claimant or Claimants, shall not rest satisfied with the Judgment, Sentence or Decree, given in such Court of Admiralty, it shall and may be lawful for the Party or Parties thereby aggrieved to appeal from the same to the Continental Congress, or to such Person or Persons as they shall appoint for the Trial of Appeals, so as the same be demanded within Five Days after difinitive Sentence, and lodged with the Secretary of Congress within Forty Days afterwards, except in Case of the Death of the said Secretary during the Recess of Congress, in which Case the said Appeal shall be lodged in Congress within Twenty Days after the Meeting thereof; and provided the Party appealing shall give good and sufficient Security that he or they will effectually prosecute such Appeal, and answer the Condemnation, and also pay treble such Costs as shall be awarded, in Case the Sentence of such Court of Admiralty be affirmed. Provided always, That the Execution of any Sentence so appealed from as aforesaid, shall not be suspended by Reason of such Appeal, in Case the Party or Parties appellant shall give sufficient Security, to be approved of by the Court in which such Sentence shall be given, to pay the full Value thereof to the Appellant or Appellants, in Case the Sentence so appealed from shall be reversed.

IV. And be it further Enacted, by the Authority aforesaid, That every Judge of Admiralty in this State, when any Cause shall be depending in his Court, shall have Power, and is hereby authorized and required, to issue his Precept, directed to the Marshal, commanding him to summon Twenty Four Freeholders to serve as Jurors, which Precept the Marshall shall execute; and any Person summoned, neglecting or refusing to appear, or appearing shall refuse to serve, the Jury in any Cause then ready for Trial shall be subject and liable to a Fine of Forty Shillings, to be imposed by the Court, which shall be levied by Warant of Distress and Sale of the Offenders Goods and Chattels, under the Hand and Seal of the Judge of the said Court for the Time being, to be directed to the Marshall and when recovered shall be paid into the Treasury, and applied to the Use of the State; and the Jurymen who shall serve in the several Courts of Admiralty in this State, shall be allowed Six Shillings per Day for their Attendance.

V. And whereas in the said Resolves it is declared that all Ships or Vessels, with their Tackle, Apparel and Furniture, Goods, Wares and Merchandize, belonging to any Inhabitant or Inhabitants of Great Britain, or any Subject or Subjects of the King of Great Britain (except the Inhabitants of Bermuda and Providence, or Bahama Islands) which shall be taken by any Vessel of War fitted out by, and at the Expence of any of the United States, shall be deemed forfeited, and divided in such Manner and Proportions as the Assembly of such State shall direct; Be it therefore Enacted, by the Authority aforesaid, That all Ships and Vessels except Vessels of War, with their Tackle, Apparel and Furniture, Goods, Wares and Merchandize, belonging to any Inhabitant or Inhabitants of Great Britain, or any Subject or Subjects of the King of Great Britain (except the Inhabitants of Bermuda and Providence, or Bahama Islands) which shall be hereafter taken by any Vessel of War fitted out by, and at the Expence of the State, shall be divided, one half thereof amongst the Officers, Seamen and Mariners, or Persons acting as Such, belonging to, or on Board such Vessel of War, in the

following Proportions, that is to say, To the Captain, Two Sixteenth Shares; to the Lieutenants and the Officer of Marines, One Sixteenth Share; to the Warrant Officers, One Sixteenth Share; to the petty Officers, One Sixteenth Share; and to the Seamen and Marines, or other Persons acting as such, Three Sixteenth Shares; and the other Half to the Use of this State. Provided always, That Vessels of War belonging to the King of Great Britain, or Privateers fitted out for the Purposes of cruizing against the subjects of the United States of America, and not for Trade, with their Guns, Tackle, Furniture, Apparel, and all Merchandize found on Board, taken as aforesaid, shall after Payment of the Fees of Condemnation, be wholly divided and shared to and amongst the Officers, Seamen and Marines, or Persons acting as such, on Board of, or belonging to such Vessel of War, fitted out by, and at the Expence of this State, in the following Manner, that is to say, Four Sixteenths to the Captain; to the Lieutenants and Officers of Marines, Two Sixteenth Shares; to the warrant Officers, Two Sixteenth Shares; to the petty Officers, Two Sixteenth Shares; and to the Seamen and Marines, or other Persons acting as such, Six Sixteenth Shares.

VI. And be it further Enacted, by the Authority aforesaid, That if any Ship, Vessel or Boat, or any Goods therein, belonging to any Person or Persons residing in, or owing Allegiance to the free United States of America, hath been, or shall hereafter be surprised and taken by any Ships or Vessels of War belonging to the King of Great Britain, or the Ships or Vessels of any of his Subjects thereto authorized by him, and the same shall be retaken and brought into this State by any Ship or other Vessels of War, fitted out under the Authority of the Continental Congress, or by any particular State, or at the Expence and Risk of Private Persons of any of the said States, and the former Owner or Owners of such Ship, Vessel, Boat, or Goods, or any Person or Persons on their Behalf, shall exhibit his or their Claim or Claims in the said Court of Admiralty within the time herein before limited for Exhibition or Claims, and on the Trial of the Cause shall establish and prove the same to the Satisfaction of the Jury, they shall find a Verdict in Favour of such Claimant or Claimants, and the Judge of the said Court is hereby enjoined and required thereupon immediately to order the said Ship, Vessel, Boat, or Goods, to be restored to such former Owner or Owners, he or they paying for, and in Lieu of Salvage, One Eighth part of the true Value of the Vessel and Cargo, or either of them, if the same hath or have been in Possession of the Enemy Twenty Four Hours, One Fifth Part, if more than Twenty Four Hours, and less than Forty Eight Hours, One Third if more than Forty Eight Hours, and less than Ninety Six Hours, and One Half, if more than Ninety Six Hours, together with the Costs of Suit (unless such Vessel and Cargo shall after the Capture have been legally condemned as a Prize by some Court of Admiralty, in which Case the Re-captors shall have the whole) which Salvage shall be divided by the Captains, Officers, and others, respectively intitled thereto, if fitted out by this State, in the same Proportion as Prizes are herein first before directed to be divided.

VII. And be it further Enacted, by the Authority aforesaid, That all Books, Papers and Writings, found in any Ship or Vessel taken as Prize, shall without Delay, on Oath of the Captor, be brought into the Register of the Court of Admiralty wherein such Ship or Vessel may be proceeded against in order to Condemnation, and until such Condemnation or Acquittal, the Ship or Vessel, and her Cargo, shall be under the joint Care of the Captor and the Marshall of the Court of Admiralty, subject nevertheless to such Rules and Orders as the Judge of the said Court shall think proper to make in the Premises.

VIII. And be it further Enacted, by the Authority aforesaid, That no Register or Deputy Register, or any Marshal or Deputy Marshal, of or belonging to the Court of Admiralty of this State, shall either directly or indirectly act, or be concerned in any Manner, either as an Advocate or Proctor, in any Cause, Matter or Business whatsoever, that shall be depending in the Court to which such Register or Deputy Register, Marshal or Deputy Marshal, shall belong; and that every such Register or Deputy Register, Marshal or Deputy Marshal, who shall be guilty of such Offence, being thereof lawfully convicted on Indictment, shall from thenceforth absolutely forfeit his respective Office and Employment in and belonging to the said Court.

IX. And be it further Enacted, by the Authority aforesaid, That there shall not be paid unto or amongst the Judge, Register, and Marshal of the said Court, for, towards, or relating to the adjudging or condemning of such Capture as aforesaid, as lawful Prize, or acquitting the same, more than the Sum of One Hundred and Sixty Dollars, to be divided amongst them in the following Proportions, viz. To the Judge, Eighty Dollars; to the Register, Fifty Dollars, except in Cases of Appeal, when he shall be allowed the usual Fees for Copies of the Proceedings; and to the Marshal, Thirty Dollars; and the Marshal shall be intitled to receive Two per Cent. on all Sales of Captures, Vessels or Cargoes, condemned in any of the said Courts; and the whole of such in every Cause, including the Fees of the Judge, Marshal and Register, and also the Wages of the Jury, shall be paid by the Libellants, in Case the Cause shall be determined against them; and in Case it shall be determined in their Favour, then the said Fees and Wages shall be paid out of the Sales of such Capture, unless where there shall be a Claim or Claims, in which Case the Claimant or Claimants against whom the Cause shall be decided, shall pay such Costs; and the Judge shall also tax to the Marshal his Bill, for all reasonable Costs and Charges for his Care of any Vessel or Cargo committed to his Custody, and also for Storage of Goods, and other necessary Expences, &c., which shall be paid in the same manner as other Costs.

X. And be it further Enacted, That if any Commander or Commanders, Officer or Officers, Seamen, Marines, Soldiers or others, shall break Bulk on Board, or embezzle any of the Money, Jewels, Plate, Goods, Wares, Merchandize, Tackle, Furniture or Apparel, of or belonging to such Vessel, Prize or Prizes, so taken, such Commander, Officer, Seamen, Marine, Soldier or other, shall forfeit treble the Value of the Thing embezzled, one Third Part thereof to the Use of this State, and the other two Third Parts thereof to him or them who shall sue for the same, by Action of Debt, Bill or Plaint, in any Court of Record in this State, wherein no Essoin, Protection, or Wager of Law, or more than one Imparlance, shall be allowed; and shall likewise forfeit all his Share of such Prize to this State.

XI. And be it also Enacted, by the Authority aforesaid, That Payment shall be made to the respective Persons intitled thereto, or their Agents, of the several and respective Shares of the Prize or Prizes that they may be intitled to, within Twenty Days after the Sale thereof, by the Marshal as aforesaid, and that Five Days previous Notice of such intended Payment be given by them in the Public Gazette of this State, if there be any Gazette, and if not, then by affixing up such Notice in Writing at the most public Place where such Court shall be held.

XII. And be it further Enacted, by the Authority aforesaid, That the present Marshals of the Courts of Admiralty, immediately after the passing of this Act, and all future Marshals previous to his or their entering upon the Execution of their respective Offices, shall give Bond, with two Sureties, in

the Penal Sum of Two Thousand Pounds, to the Governor for the Time being, for the due and faithful Execution of his Office, and also for the Payment of Proceeds of all Prizes that may come into his Hands, within Twenty Days after the sale of such Prizes respectively; which Bond shall be lodged in the Secretary's Office of this State, to be put in Suit on the Application of any Person aggrieved by the said Marshal in the Execution of his Office: And upon the Condemnation of any Prize of greater Value than the above mentioned Penalty, the Judge of the Court of Admiralty, before the Sale of such Prize, shall cause the Marshal of such Court to enter into Bond, with sufficient Security, in such Sum as will be sufficient to secure the Payment of the Produce of the Sales of such Prize; and if the Marshall shall be unable or unwilling to give them such Security, he may be suspended, and another appointed, from Time to Time, until the Sitting of the General Assembly.

XIII. And be it also Enacted, That if the Marshal of the Court shall refuse and neglect to publish such Notice as is herein before directed to be given, they, and every of them, for every such Offence, shall forfeit and pay the Sum of Ten Pounds; to be recovered by any Person who shall sue for the same, in any Court of Record in this State, wherein no Essoin, Protection or Privilege, shall be allowed.

XIV. And be it further Enacted, by the Authority aforesaid, That in all Distributions of Prize Money, the Rules, Regulations, Provisions, and Restrictions, made at any Time, and in Force, by Resolutions of the Continental Congress, shall be observed, except in such Cases where the Owners and Crews of private Ships of War shall by particular Contract otherwise provide.

XV. And whereas in some Cases properly maritime, the Jurisdiction of the Court of Admiralty may hereafter be called in Question; Be it therefore Enacted, by the Authority aforesaid, That all Suits for Freight, Mariners Wages, Breach of Charter Parties for Voyages to be made, so as the Penalty be not demanded, and Suits for building, repairing, saving, or the necessary Victualing for a Ship, against the Ship or Vessel, and not against any Party by Name, but such as may choose to make himself a Party, and all Disputes concerning Salvage, and all Matters and Transactions that are in their Nature maritime, shall be tried and determined in the Court of Admiralty.

CHAPTER XVII.

An Act, for confiscating the Property of all such Persons as are inimical to the United States, and of such Persons as shall not, within a certain Time therein mentioned appear and submit to the State whether they shall be received as Citizens thereof, and of such Persons as shall so appear and shall not be admitted as Citizens, and for other Purposes therein mentioned.

I. Whereas divers persons who have heretofore owned and possessed lands, Tenements and Hereditaments, and also moveable Property in this State, have withdrawn themselves from the same, and attached themselves to the Enemies of the United States of America; and also divers Persons who have withdrawn to Places beyond the Bounds of any of the United States, in order to avoid bearing their proper and equal Part in Defence of the Freedom and Independence of the same; and also divers Persons who having been

beyond the Bounds of the United States at the Beginning of the present War, have failed to return and unite their Effects for the common Defence of American Liberty; and it is expedient and just that every Person for whom Property is protected in any State should be and appear within the same, or join in Defence thereof whenever the same is threatened or invaded; and it is also just that a reasonable Time be given for such as have it in their Power to alledge favourable or mitigating Circumstances to induce this State, ever attentive to the Rights of natural Justice, and ever ready and willing to receive to Grace and Favour all who are sincerely attached to Liberty, to receive them as Citizens, and restore them to the Possessions which once belonged to them.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same. That all the Lands, Tenements, Hereditaments, and moveable Property within this State, and all and every Right, Title and Interest therein, of which any Person was seized or possessed, or to which any Person had Title on the Fourth Day of July in the Year One Thousand Seven Hundred and Seventy Six, who on the said Day was absent from this State, and every Part of the United States, and who still is absent from the same, or who hath at any Time during the present War attached himself to, or aided or abetted the Enemies of the United States, or who has withdrawn himself from this or any of the United States after the Day aforesaid, and still resides beyond the Limits of the United States, shall and are hereby declared to be confiscated to the Use of this State; unless such Person shall, at the next General Assembly which shall be held after the First Day of October, in the Year One Thousand Seven Hundred and Seventy Eight, appear, and be by the said Assembly admitted to the Privilege of a Citizen of this State, and restored to the Possessions and Property which to him once belonged within the same.

III. Provided, That this Act shall not extend to such Persons as are, or have been actually employed in the Service of the United States, or any of them, and have not deserted to the Enemy, or traitorously violated their Trust, as are imprisoned, of unsound Mind, or under the Age of Twenty One Years.

IV. And provided also, That nothing herein contained shall be construed to give Permission to such Persons as have removed themselves, or have been removed under the compulsive Authority of any Law of this State, or who have removed themselves to avoid taking the Oath of Allegiance to this State, to return thereto, or to avoid any Sales of Lands, Tenements, Hereditaments, or movable Property, by such Persons bona fide made before their Departure, or pursuant to an Act of Assembly, passed at the last Session of this Assembly, intituled, An Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprision of Treason, and providing Punishments adequate to Crimes of both Classes, and for preventing the Danger which may arise from Persons disaffected to the State.

CHAPTER XVIII.

An Act to regulate the Pilotage of Cape Fear and Occacock Bars, and the Rivers leading from the same to Brunswick, Wilmington, New Bern, Bath and Edenton.

I. Whereas the Pilotage of the Bars and Rivers in this State is at pres-

ent under no Regulation by Law, and many Abuses may be committed, and the same much neglected, greatly to the Prejudice of Navigation and Trade;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, the Pilots of the different Bars, Rivers and Creeks, of this State, shall be, and they are hereby allowed the Pilotage hereafter mentioned, and no more, to-wit, Coming over Cape Fear Bar, and up to Brunswick, for each Vessel drawing Six Feet Water, Twelve Shillings per Foot; from Six to Ten Feet, Fourteen Shillings per Foot; from Ten to Twelve Feet, Sixteen Shillings per Foot; from Twelve to Thirteen Feet, Eighteen Shillings per Foot; from Thirteen to Fourteen Feet, Twenty Shillings per Foot; for Fifteen Feet, Twenty Five Shillings per Foot; for Sixteen Feet, Thirty Shillings per Foot; and for each Ship or Vessel drawing Seventeen Feet Water, Thirty Five Shillings per Foot: And for Piloting a Ship or other Vessel from Brunswick to Great Island, the Quarter Part of said Rates, according to the Draught of Water of such Vessel respectively; and from Great Island over the Flats, up to Wilmington, the One Quarter Part of the Rates aforesaid; and for every Vessel outward bound, they are hereby allowed the respective Rates or Pilotage aforesaid, excepting the Bar Pilotage, which shall be One Half only: and for Piloting any Ship or Vessel in, over Occacock Bar to Beacon Island Road, or any other Road or Harbour where Vessels usually anchor at, drawing Nine Feet or under, Twelve Shillings per Foot; and from Nine to Eleven Feet, Sixteen Shillings per Foot; and from Eleven Feet and upwards, Twenty Shillings per Foot; and for the piloting each Vessel outward bound over the said Bar of Occacock, the One Half of the said Rates, Respect being had to the Particular Draught of Water such Vessel shall draw: And the Pilotage from the Lower Road to New Bern, shall be Twelve Shillings per Foot, and from New Bern to the Lower Road the same; and the Pilotage from the Lower Road to Edenton Twenty Shillings per Foot, and from Edenton to the Lower Road the same; and the Pilotage from the Lower Road to Bath Town shall be Ten Shillings per Foot. and from Bath Town to the Lower Road the same; and the Swash Pilotage for Vessels not taking a River Pilot, shall be sixteen Shillings for each Vessel.

III. And be it Enacted, by the Authority aforesaid, That Richard Quince, William Lord, William Wilkinson, Francis Brice, William Purviance, and John Dubois, be, and they are hereby appointed Commissioners of the Navigation and Pilotage of Cape Fear River; and that Richard Ellis, John Tillman, Christopher Neale, David Barron, and John Green, be, and they are hereby appointed Commissioners of the Navigation and Pilotage of New Bern; and that Nathan Keais, Thomas Respiss, Sen., Thomas Bonner, James Adams, and John Cooper, be, and they are hereby appointed Commissioners of Navigation and Pilotage for Bath Town; and that Joseph Hewes, John Campbell, Robert Hardy, Robert Smith, and William Savage, be, and they are hereby appointed Commissioners of Navigation and Pilotage for Edenton; and they, or a Majority of them, for the respective Ports for which they are appointed as aforesaid, are hereby authorized and impowered, from Time to Time, to examine such and so many Persons as shall offer themselves as Pilots for the respective Bars and Ports aforesaid, touching his or their Abilities.

IV. And be it Enacted, by the Authority aforesaid, That the said Commissioners for the respective Ports aforesaid, or the Majority of them, on their approving any Person to be Pilot, shall give to such Person a Certificate under their Hands, to the Governor or Commander in Chief for the Time

being, in order for his Approbation, and to obtain a Branch under his Hand and Seal, to act as a Pilot for the Port and Bar for which the said Commissioners so certifying are appointed.

V. And be it further Enacted, by the Authority aforesaid, That every such person shall, before he obtains a Branch to be a Pilot, give Bond, with Two sufficient Securities, to the Commissioners hereby appointed, and their Successors, for the Port in which he shall obtain a Branch, in the Sum of Five Hundred Pounds, with a Condition for his due and faithful Performance of his Duty as a Pilot; which Bond shall be in Trust for such Person or Persons as shall appear to be injured by such Pilots Negligence or Non-Performance of the Condition of said Bond, and shall be assigned to any Person or Persons so injured petitioning the same, who shall and may maintain an Action thereon.

VI. And be it Enacted, by the Authority aforesaid, That when any Branch Pilot shall see, or be informed of any Vessel on the Coast, having a Signal out for a Pilot (if not judged to be an Enemy) and shall neglect or refuse to go to her Assistance, on proper Proof being thereof made, such Pilot or Pilots shall forfeit and pay the Sum of One Hundred Pounds; to be recovered by Action of Debt, in any Court of Record in said State, one Half to the Informer, and the other to the Owner or Owners of said Vessel.

VII. And be it Enacted, by the Authority aforesaid, That when any Ship or Vessel, bound to any of the Ports of this State, shall have the Smallpox, or any other infectious Distemper on Board, the Master and Pilot of such Ship or Vessel shall give immediate Information thereof to the Commissioners of Navigation of the Port they are bound to; and the said Commissioners, or any Three of them, are hereby impowered and directed to order and command the said Master of such Ship or Vesel to perform Quarantine with his said Ship or Vessel, at such Place, and Number of Days, as they shall think necessary; and if the said Pilot or Master shall neglect or refuse to give such Information, they shall forfeit and pay for every such Neglect the Sum of Five Hundred Pounds; to be recovered in any Court of Record in this State, one Half to the Informer, and the other to the Commissioners, to be by them applied as hereafter appointed.

VIII. And be it Enacted, by the Authority aforesaid, That upon the Misbehaviour of any Pilot in his Office, the Commissioners aforesaid, or a Majority of them, in the Port where such Pilot belongs, shall, and they are hereby authorized and impowered, to remove such Pilot or Pilots so misbehaving from his or their Office.

IX. And be it further Enacted, by the Authority aforesaid, That if any Person shall take the Charge of any Ship or Vessel as Pilot after the First Day of February next, over the Bars, or through the Rivers and Creeks aforesaid, other than such as shall be licensed to act as a Pilot aforesaid, every Person so offending, and being thereof convicted in any Court of Record having Cognizance thereof, shall for every such Offence forfeit and pay the Sum of Fifty Pounds; to be recovered by the Commissioners, and by them applied as herein after directed, or suffer Three Months Imprisonment.

X. And be it further Enacted, by the Authority aforesaid, That in case of Death, Refusal to Act, Departure out of the State, or other Disability, of any of the said Commissioners, it shall and may be lawful for the remaining Commissioners, or the Majority of them, in such Port where such Circumstance may happen, to elect one or more, from Time to Time, in the Room and Stead of the Commissioner or Commissioners disqualified or disabled as aforesaid, so as to keep up the first mentioned Number for each respec-

tive Port; which Commissioners so elected shall be, and are hereby invested with all the Power and Authority of any Commissioners herein before named.

XI. And for the further Encouragement of such Pilots who shall be active in their Office, and board vessels at sea; Be it therefore Enacted, by the Authority aforesaid, That when any Pilot shall offer his Service to any Master of a Vessel bound in over the said Bars of Occacock and Cape Fear, he shall be intitled (although the Master of such Vessel shall refuse to employ him) to the same Pilotage which he would have been intitled to if he had taken charge of the said Vessel, and the Master shall be obliged to pay the same; and in case of Refusal, such Pilot or Pilots reporting the same to the Naval Officer of the Port he arrives at, such Naval Officer is hereby required not to clear out such Vessel until such Pilotage is fully discharged and paid: And if any Ship or Vessel coming into said Harbours or Inlets, taking a Pilot on Board, shall be by contrary Winds or otherwise drove off the Coast, the Master or Owner of such Ship or Vessel shall allow and pay the said Pilot Five Shillings for each and every Day he shall be on Board such Vessel, over and above his Pilotage.

XII. And whereas the erecting Beacons, Buoys and Stakes, as soon as possible, in the different Harbours near the Bars, and from thence up the Rivers and Creeks branching out of the same, where Vessels usually come to and anchor in, will greatly facilitate the Navigation thereof; Be it therefore Enacted, That a Tax shall be paid on every Vessel of Fifty Tons or under, coming in over Occacock Bar, the Sum of Sixteen Shillings; from Fifty to One Hundred Tons and upwards, Forty Shillings; and that the Commissioners of the respective Ports aforesaid agree, without Delay, with some proper Person or Persons for executing the same, and keeping them in proper Order, on the best Terms they can; and that they shall, and are hereby impowered to draw on the Naval Officer of their respective Ports annually (who shall and is hereby impowered to receive the above Tax) for such Sum or Sums of Money out of the same (if so much is in his Hands) as will defray the said Expence: And should the said Tax and Penalties heretofore mentioned be found more than is necessary for defraying the said Expence, the said Commissioners, or a Majority of them, shall have Power to draw for the same, and apply it towards improving the Navigation thereof.

XIII. And be it further Enacted, by the Authority aforesaid, That Two Fifths of the Expence attending the setting up the said Beacons, Buoys and Stakes, of the Royal Shoal, and those necessary between that and Occacock Bar, and the staking out of the Swash, be paid for by the Commissioners for Port Roanoke, One Fifth by the Commissioners for the Port of Bath, and the remaining Two Fifths by the Commissioners of New Bern, out of the aforesaid Tax and Forfeitures.

XIV. And be it further Enacted, by the Authority aforesaid, That the Commissioners appointed by this Act for the Town of New Bern be impowered to employ proper Persons to stake out the Channel from Harcourt's Island to Harbour Island, the Expence of which shall be paid as the staking of other Channels is by this Act directed to be paid.

XV. And be it Enacted, by the Authority aforesaid, That no Commander, or other Person, belonging to any Vesel trading to this State, shall cast or throw overboard any stone or other ballast whatsoever into any Channel within said Ports, or wilfully pull down, destroy or remove, any Beacon, Stake, or other Marks, erected or placed in and by Virtue of this Act: and that he or they so offending, shall for every such Offence forfeit and pay the Sum of One Hundred Pounds, to be recovered in any Court of Record in this

State, one Half to the Informer, and the other to the Commissioners, to be by them applied as before directed.

XVI. And be it Enacted, by the Authority aforesaid, That the Collector of the Tax aforesaid shall be entitled to Five Per Cent. for his Trouble in receiving and paying the same, and that he shall account with the Commissioners annually, upon Oath, if required, for all Sums of Money he may receive in and by Virtue of this Act.

XVII. And be it Enacted, by the Authority aforesaid, That all Acts, Clause, or Clauses of Acts, relative to Pilotage or Navigation, heretofore in Force in this State, be, and they are hereby repealed.

XVIII. And be it Enacted, by the Authority aforesaid, That this Act, and every Clause therein contained, shall continue and remain in full Force and Virtue for and during the Continuance of the present War, and from thence until the End of the next Session of the General Assembly.

CHAPTER XIX.

An Act to Enable the Governor to send an Aid from the Militia to oppose the Enemies of the United States, if the same shall be requested by Congress.

I. Whereas opposing the Enemies of the United States, by vigorous and powerful Efforts, will greatly tend to bring the present War to a speedy and happy Conclusion, and this State is at all Times willing and desirous of assisting, to the utmost of its Power, in the common Defence;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That it shall and may be lawful for the Governor, or Commander in Chief for the Time being, upon the Request of Congress for that Purpose made, to detach from the Militia of this State an Aid, not exceeding Five Thousand Men in Manner following, that is to say, Every Regiment shall be required to furnish its Proportion of the said Aid, according to the Number it contains, and that the commanding Officer of every Regiment shall be, and he is hereby impowered, to offer a Bounty of Fifty Dollars to every Person who shall engage as a Voluntier in the said Service, and the Deficiency, if any, shall be supplied by Drafts, agreeable to the Militia Law, and every Person drafted for the said Service shall be intitled to a Bounty of Twenty Five Dollars; and every such commanding Officer shall return as soon as may be, to the Governor or Commander in Chief for the Time being, a Roll of Such Persons as shall be detached from his Regiment, distinguishing them into Voluntiers and drafted Men; and every Voluntier and drafted Militia Man shall be intitled to receive the Bounty to them respectively given by this Act, as soon as they shall enter into the Service, or be drafted; and the Governor, or Commander in Chief for the Time being, is hereby authorized to draw on the Treasury for such Sums of Money as may be necessary to defray the same.

III. And be it Enacted, by the Authority aforesaid, That the said Aid shall march to such Parts or Places within the United States as the Congress shall direct, and be and continue in Service during the next Campaign, not exceeding Twelve Months; and such Aid shall be under the same Rules and Discipline as the continental Troops, after they shall have joined the Army which they may be ordered to reinforce, and shall receive the same Pay allowed the Militia in this State. Provided always, That for any Offence, every Officer and Soldier of the said Reinforcement shall be tried by the Courts Martial composed of their own Officers, and none other.

IV. And be it also Enacted, by the Authority aforesaid, That the Governor may march to conduct and command the said Militia, if it shall be adjudged by him, with the Advice of the Council of State, consistent with the Safety of this State, and of Use to the Public Service.

V. And be it further Enacted, by the Authority aforesaid, That in case the Governor of this State for the Time being shall by Virtue of this Act march without the Limits of this State, he shall have the rank of a Major General of Militia from the passing of this Act, and shall draw Pay from the Day when by Virtue of this Act he shall pass the Limits of this State, during the Time he shall be on such Service; and he is hereby impowered to call as many Officers into Service as he shall think the Service absolutely requires, having Respect to the Regiments to which such Officers belong, and complying with the Rules prescribed by the Militia Law; and make every Provision for the March of such Troops, and Transportation of Stores, Baggage, Provision and Forage, as may tend to expedite the Progress of the Army, and consist with as much Economy as the Nature of the Operations will admit of.

VI. Provided, That no Person shall be subject to be drafted for compleating the Aid aforesaid, who has been already drafted, and in actual Service, in any Division, Battalion, Company or Detachment, for more than Two Months at any one Time since the Commencement of the present War; and all others shall, if a Draft be necessary, be subject to an equal Draught.

VII. And be it also Enacted, by the Authority aforesaid, That in Case the Governor shall not find it expedient to march with the said Aid, he shall appoint the Commanding Officer thereof a Major General, and such Major General shall have the Pay and other Appointment to such Rank belonging in the Continental Army.

CHAPTER XX.

An Act for Establishing the Salaries of the Justices of the Superior Courts, and of the Attorney General.

I. Whereas it is necessary, in order to obtain a due Administration of Justice, that the Justices of the Superior Courts, and the Attorney General, should be Men of Eminence in the Profession of the Law, which cannot otherwise be effected, than by providing for them suitable to the Dignity of their respective Stations;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That each of the said Justices shall be paid the Sum of One Hundred Pounds for each and every Superior Court he shall so attend, to be paid out of the Treasury by quarterly Payments.

III. Provided always, That if any of the said Justices should be prevented by Sickness, or any unavoidable Accident, from attending at any of the said Courts, and the same be made appear on Oath, such Justice shall be paid Fifty Pounds for each and every such Court, and no more.

IV. And be it Enacted, by the Authority aforesaid, That the Attorney General shall be paid the Sum of Fifty Pounds for each and every Superior Court he shall attend, together with the Fees by Law established.

V. Provided, That if it should so happen that the Attorney General should not attend at any Superior Court, that then it shall and may be lawful for

the Court to appoint a Deputy to act in his Stead, who is hereby intitled to the same Fees as the Attorney General is intitled to, and also the Sum of Twenty-Five Pounds for every Court he shall so act in.

CHAPTER XXI.

An Act for establishing a Loan Office in this State.

I. Whereas the Congress of Delegates for the United States of America have recommended it to the different States of the Union that Loan Offices should be established in each of them, for the Purposes of borrowing Money to support the present War against Great Britain;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That a Loan Office be established in the Town of New Bern, to receive all such Monies as may be lent in this State, pursuant to the Resolutions of the said Congress; and that such Office be under the Directions of the Congress of the United States, or their Board of Treasury, agreeable to the Rules and Regulations which are or may be established for such Purposes.

III. And be it further Enacted, by the Authority aforesaid, That the General Assembly shall, by joint Ballot of both Houses, appoint a Person to execute the several Duties to the Loan Office appertaining, who shall be called the Treasurer of the Loan Office for the State of North Carolina; and the said Treasurer, before entering on the Execution of his office, shall give Bond, with sufficient Securities, to be approved by the Governor and Council, in the Sum of Three Hundred Thousand Dollars, payable to the Governor and his Successors, conditioned for the due and faithful accounting for all such Certificates as he may receive from the Continental Treasury, and the Payment of all such Monies as shall be received on such Certificates, in such Manner as shall be directed by Congress; and also duly and faithfully to the utmost of his Power, to issue all Loan Office Certificates which shall come to his Hands; and likewise well and faithfully to discharge all the other duties of the said Office, in such Manner as the said Congress have directed, or may direct: And such Treasurer shall, and is hereby declared to be intitled to all the Commissions, Fees, Perquisites and Profits, allowed by the Congress for such Services; and shall be exempt from serving in the Militia, or doing any duty as a Militia Man, during his Continuance in the said Office.

IV. And for the Ease and Convenience of Persons who may incline to lend Monies to the United States on the said Certificates, and to the End that the Loan Office may more speedily, and with less Expence to Individuals, be supplied with Money for the said Purposes; Be it Enacted, by the Authority aforesaid, That the said Treasurer shall be, and he is hereby impowered to appoint a Deputy in each of the Towns of Salisbury, Hillsborough, Halifax, Edenton, and Wilmington, for whose Conduct the said Treasurer shall be answerable; and the said Treasurer shall account for all Certificates that shall be to them delivered, and for all Monies to be by them received, in the same Manner as for Certificates delivered, or Monies paid to himself, in Virtue of this Act.

CHAPTER XXII.

An Act declaring what Fences are Sufficient, and to Provide a Remedy for Abuses.

I. Whereas the Peace and Harmony of every Neighborhood much depends on good and sufficient Fences;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That every Planter shall make a sufficient Fence about his cleared Ground under Cultivation, at least Five Feet high, unless where some navigable Stream or deep Water Course shall be, that may be deemed sufficient instead of a Fence aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That upon Complaint made by any Person to any Justice of the Peace of the County of any Trespass or Damages done by Horses, Cattle or Hogs, it shall and may be lawful for such Justice, and he is hereby authorized and required, to cause to be summoned Two Freeholders, indifferently chosen, who (together with himself) shall view and examine, on Oath, whether the Complainant's Fence be sufficient or not, and what Damage he hath sustained by Means of the Trespass, and certify the same under their Hands and Seals; and if it shall appear that the said Fence be sufficient, then the Owner of such Horses, Cattle or Hogs, shall make full Satisfaction for the Trespass or Damages to the Party injured, to be recovered before any Jurisdiction having Cognizance thereof; but if it shall appear that the said Fence be insufficient, then the Owner of such Horses, Cattle or Hogs, shall not be liable to make Satisfaction for such Injury or Damages as aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That if any Person whose Fence shall be adjudged insufficient, shall with Guns, Dogs, or otherwise, unreasonably chase, worry, maim or kill, any Horses, Cattle or Hogs, or cause the same to be done, such Person so offending shall make full Satisfaction for all such Damages to the Party injured, to be recovered as aforesaid.

CHAPTER XXIII.

An Act to encourage the building of Public Mills, and directing the Duty of Millers.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That every Water Grist Mill already built, or which shall hereafter be built, that hath or shall at any Time grind for Toll, shall be held and deemed, and is hereby declared to be a Public Mill.

II. And be it further Enacted, by the Authority aforesaid, That any Person willing to build such Mill, who hath Land only on one side of a Run, shall exhibit his Petition to the County Court, and therein shew who is the Proprietor on the opposite side of the Run, whereupon a Summons shall issue to such Proprietor to appear at the next Court, and answer the Allegations of such Petition; and the Court also at the same Time shall order Four honest Freeholders to lay off, view and value, on Oath, an Acre of the Land of such Proprietor, and also an Acre of the Land of the Petitioner opposite thereto, and to report their Opinion and Proceedings thereon to the next Court, and thereupon the Court shall order the said Report to be recorded; and if it take not away Houses, Orchards, Gardens, or other im-

mediate Conveniences, shall and may, and are hereby impowered and authorized, to grant Leave to the Petitioner, or such Proprietor, to erect such Mill at the Place proposed, as in their Discretion shall seem reasonable, and to order the Costs of such Petition to be paid by the Person to whom such Leave shall be granted.

III. Provided always, That the Person to whom such Leave is granted shall pay down in Court, for the Acre of Land he shall obtain thereby, the Valuation Money, and procure a Record to be made thereof, which shall be a good and effectual Seizen in Law to create to such Person, his Heirs and Assigns, a Fee Simple in such Acre of Land.

IV. And provided also, That where any Grist Mill has been heretofore erected by Order of Court, it shall not be lawful for any Court, on the Petition of any Person whatever, to grant any Part of the Tract whereon such Mill stands, for the Purpose of building another Mill within Two Miles above or below the Mill already erected.

V. Provided nevertheless, That it shall not be lawful for any Court to grant Leave to any Person to erect a Mill so as to overflow any other Mill, or create a Nuisance to the Neighbourhood, any Thing herein contained to the contrary notwithstanding.

VI. Provided also, That the Person so being seized, shall within One Year begin to build a Water Mill, and finish the same within Three Years, and shall thereafter keep up the same for the Use and Ease of all such as shall be Customers to it, otherwise the said Land shall return to the Person from whom it was taken, or to such other Person as shall have his Right, unless the Time for finishing the same, for Reasons shewn to and approved of by the Court, be enlarged.

VII. Provided likewise, That if any Water Mill belonging to any Person within the Age of Twenty One Years, Feme Covert, Non Compos Mentis, or imprisoned, be let fall, burnt, or otherwise destroyed, that then such Person or Persons, and their Heir or Heirs, shall have Three Years to rebuild and repair such Mill, after his or their full Age, Discoverture, coming of sound Mind, or Enlargement out of Prison.

VIII. And be it further Enacted, by the Authority aforesaid, That if any Person shall think himself aggrieved by the Order or Determination of the County Court, he may appeal therefrom to the next Superior Court for the District in which the said Land doth lie, giving Bond and Security as usual; which Court shall, and is hereby authorized and impowered to take Cognizance of the same, and to confirm such Order, or reverse the same, and to give such Judgment therein as the County Court ought to have rendered.

IX. And be it further Enacted, by the Authority aforesaid, That every Person who hath built any Mill in Consequence of any Order of Court, and hath actually paid the Money according to the Valuation of any Acre of Land as by this Act directed, to be laid off and valued, shall be, and is hereby declared to stand seized thereof, to him, his Heirs and Assigns, in absolute Property, in the same manner, and under the same Restrictions, Limitations and Conditions, as if the same had been originally granted by virtue of the Powers and Authorities of this Act.

X. And be it further Enacted, by the Authority aforesaid, That all Millers shall grind according to Turn, and shall well and sufficiently grind the Grain brought to their Mills, if Water will permit, and shall take no more Toll for grinding than One Sxith Part of the Indian Corn, and one Eighth Part of the Wheat, in the Districts of Edenton, New Bern, Wilmington, and Halifax, and the Eighth of the Corn and Wheat in the Districts of Hillsborough and Salisbury, and one Fourteenth Part for chopping Grain of any Grind;

and every Miller, or Keeper of a Mill, making Default herein, viz., not grinding according to turn, nor well and sufficiently grinding the Grain, if Water will permit as aforesaid, or exacting or taking more Toll than herein is set down and allowed, shall for every such Offence forfeit and pay Twenty Four Shillings Proclamation Money to the Party injured, to be recovered before any Justice of the County wherein such Offence is committed with costs. Provided nevertheless, That it shall be in the Power of any such Owner to Grind, or cause to be ground, his own Grain, at any Time he thinks fit, any Thing in this Act to the contrary notwithstanding.

XI. And be it further Enacted, by the Authority aforesaid, That all Millers shall keep in their Mills the following Measures, viz. a Half Bushel and Peck at Full Measure, and also proper Toll Dishes for each Measure; and every Owner, by himself, Servant or Slave, keeping any Mill, and shall be lawfully convicted of keeping false Toll Dishes, contrary to the Intent and Meaning of this Act, shall forfeit and Pay to the Party injured Five Pounds, to be recovered before any Justice of the County as aforesaid; and in case such Miller is a free Person, and keeps such Mill for a Share or for Hire, and is guilty of any of the above Offences, it shall be lawful for the Owner to stop so much of his Share or Hire, as will be sufficient to reimburse himself for such Fine or Fines as he shall become answerable for, with all the Charges that shall become due thereon.

CHAPTER XXIV.

An Act to encourage the destroying Vermin in the Several Counties of this State.

I. Whereas the Counties of this State are much infested with Wolves, and other Vermin, to the great Prejudice of the Inhabitants thereof:

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That every Person who shall kill any of the Vermin herein after mentioned within Ten Miles of any settled Plantation, shall be entitled to a Claim on the County where such Vermin shall be killed to the several Rewards as follows: For every grown Wolf, Twenty Shillings; every young one, Ten Shillings; for every Wild Cat, Five Shillings; and for every Panther, Twenty Shillings; to be paid as herein after directed.

III. And be it further Enacted, by the Authority aforesaid, That any Person who shall have a Claim for killing any of the aforesaid Vermin, are hereby directed to produce the Scalp of the aforesaid Vermin, with both Ears, before a Magistrate, who is to administer an Oath to such Person claiming the same, that it was taken and killed within the Bounds of such County where the Claim shall be made; and if any Slave or Indian that shall kill any Vermin, of which the Head or Scalp shall be produced as aforesaid, the Master or Owner of such Slave or Indian, or he that makes Claim for such Scalp or Scalps in Behalf of any Slave or Indian, shall make Oath before such Magistrate, that he verily believes the same was taken and killed within the Counties wherein the same was claimed; which Oath being administered, the Magistrate is hereby directed to give a Certificate for the same, and immediately cause such Scalp to be destroyed.

IV. And be it further Enacted, by the Authority aforesaid, That any Person having a Certificate from any such Justice of the Peace shall, upon producing the same to the Person who shall be appointed to collect and account for the Taxes of the County where such Certificate was obtained, be inti-

tled to receive the Reward by this Act given for such Scalp or Scalps, or to have the same discounted in the Settlement of his County Tax; and every such Certificate shall be deemed a sufficient Voucher for the Collector of the County Tax, on his Settlement for the same.

V. And be it further Enacted, by the Authority aforesaid, That this Act shall be and continue in Force for and during the Term of Three Years, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XXV.

An Act to Prevent burning the Woods.

I. Whereas the frequent burning of the Woods is found to be destructive to Cattle and Hogs, extremely prejudicial to the Soil, and oftentimes of fatal Consequences to Planters and Farmers, by destroying their Fences and other Improvements: For Prevention of which Evils,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That it shall not be lawful for any Person whatsoever to set Fire to any Woods except it be his own Property, and in that Case it shall not be lawful for him to set Fire to his own Woods, without first giving Notice to all Persons owning Lands adjacent to such Wood Lands intended to be fired at least Two Days before the time of setting such Woods on Fire, and also taking effectual Care to extinguish such Fire before it shall reach any vacant or patented Lands, contiguous to or adjacent such Lands so fired.

III. And be it further Enacted, by the Authority aforesaid, That every Person offending against this Act shall forfeit and pay the sum of Ten Pounds, to be recovered by Action of Debt, Bill, Plaint or Information, to the Use of the Person who shall sue or prosecute for the same; and shall also be further liable to the Party injured by such unlawful firing of the Woods, for all Damages that may accrue therefrom.

IV. And be it further Enacted, by the Authority aforesaid, That if any Slave, Free Negro or Mulatto, or vagrant Person, unable to pay the Fine aforesaid, shall be convicted of setting fire to any Woods, contrary to the true Meaning of this Act, such Person, on Conviction thereof, shall have and receive on his bare back Thirty Nine Lashes, well laid on, at the Public Whipping-Post.

CHAPTER XXVI.

An Act for Levying a Tax for the Year One Thousand Seven Hundred and Seventy-Eight.

I. Whereas it is necessary, for the Support of the just and necessary War in which the United States are engaged against the Crown of Great Britain, in Defence of the Liberty and Independence of the said States, and the Rights of Mankind, that the Treasury be as soon as possible supplied with Money sufficient to defray the Quota of the Expence of the said War, which this State ought of Right to sustain; and it is expedient to support the Credit of the Money emitted for the Purposes of the said War by the Congress of the United States, and by the Congress of this State; and nothing can answer such Purposes so effectually, and with such Convenience and

Advantage to this State, as a general Tax, in Proportion to the Ability of each individual Citizen throughout the same:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That for the Year One Thousand Seven Hundred and Seventy Eight a Tax of Two Pence shall be paid for every Pound Value of Taxable Property within this State, and a proportionable Poll Tax on all such Freemen as are subject to the Payment of a Poll Tax, pursuant to an Act passed this present session of Assembly, intituled, An Act to amend an Act for levying a Tax by general Assessment, and other Purposes, and that all such Taxes be levied and accounted for pursuant to the Directions of the said Act.

III. And be it also Enacted, by the Authority aforesaid, That in the several Counties within this State, where the One Halfpenny Tax laid by a certain Act passed the last Session of this Assembly, intituled, An Act for levying a Tax by general Assessment, and other Purposes, has not been levied, nor any Assessment made pursuant to the said Act, the Tax for the Year One Thousand Seven Hundred and Seventy Eight shall be Two Pence Halfpenny, and the Poll Tax Twenty Shillings and Eight Pence, to be levied and accounted for in like Manner as other Taxes by this Act imposed.

IV. And be it also Enacted, by the Authority aforesaid, That every Tax-gatherer and County Treasurer appointed under the said Act of Assembly, intituled, An Act for levying a Tax by general Assessment, and other Purposes, shall proceed to collect the Tax laid by such Act, and to pay and account for the same as required by the said Act, any Law to the contrary notwithstanding.

CHAPTER XXVII.

An Act for appointing Commissioners to lay off and mark a Road from the Court House in the County of Washington, through the Mountains, into the County of Burke.

I. Whereas the Inhabitants of Washington County would derive great Advantages from a Public Road leading directly through the Mountains into the County of Burke, for Horses, Carts, and Waggons, to pass to the Sea Ports in this State and South Carolina.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That Charles McDowell, John McDowell, Samuel Bright, Ezekiel Smith, and Jacob Womack, be, and they are hereby appointed Commissioners, and they, or a Majority of them, are impowered and authorized to lay off and mark a Road by the nearest and best Way from the House of Charles Robinson, where the Court hath been held in the County of Washington, to the House of Edward Smith, where the Court hath been held in the County of Burke; and the said Commissioners, or such Majority of them as shall lay off and cause the said Road to be marked, shall, and they are hereby required to return a proper Survey thereof, certified under their Hands and Seals, to the respective Courts of the said Counties of Washington and Burke.

III. And be it further Enacted, by the Authority aforesaid, That after the said Road shall be laid off and marked, and a Survey thereof returned as aforesaid, the Courts of the Counties of Burke and Washington respectively shall have full Power and Authority within their respective Counties to appoint Officers, and make Order for such Number of the Inhabitants as they shall think proper, to clear out, work upon, and keep the said Road in Repair.

IV. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, for their Service in laying off and causing the said Road to be marked, shall be allowed the Sum of Eight Shillings per Day, and the Chain Carriers and Markers shall be allowed per Day agreeable to Contract with the Commissioners for the same; and when a stated Account of the said Services, properly authenticated, shall be laid before the Courts of the said Counties respectively, and approved, the allowances shall be paid out of the contingent County Tax of the said Counties respectively where the Services were done.

CHAPTER XXVIII.

An Act to facilitate the Navigation of Port Currituck.

I. Whereas the erecting of Stakes and Beacons from Albemarle through the Sound to Currituck Inlet, will tend much to the Interest and Advantage of Sundry Merchants, Masters and Owners of Vessels, belonging to this State, in negotiating and carrying on their Business, Trade and Commerce, to and from the State of Virginia:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That John Humphries and Thomas Taylor be, and are hereby constituted and appointed Commissioners, and authorized and impowered to agree and contract with such Person or Persons as are willing and fit to be employed, for clearing away and removing any Obstructions found in the Channel from Albemarle through the Sound to Currituck Inlet, and for staking out the said Channel, and erecting Beacons, for the better Discovery thereof by such Masters of Vessels and Mariners as shall sail along the same, in such Manner as the said Commissioners shall conceive will best promote the Navigation of the said Port, provided that the Sum they shall engage to pay the Person or Persons so doing the Services aforesaid, do not exceed the sum of One Hundred Pounds.

III. And for reimbursing the said Commissioners the Sum they may expend for the Purposes aforesaid, and for keeping up the said Stakes, Beacons, and other Marks, necessary for indicating and pointing out the said Channel for the future; Be it further Enacted, by the Authority aforesaid, That the Master of every Vessel sailing to the said Port shall pay to the Naval Officer of the said Port the Sum of Two Dollars, before his Vessel shall be cleared out, to be paid to, and applied by the said Commissioners for the Purposes aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That if any Person or Persons shall wilfully pull down, remove or destroy, any Beacon, Stake, or other Mark, erected or placed in Virtue of this Act, he or they shall for every such Offence forfeit and pay the Sum of Five Pounds, to be recovered before any Jurisdiction having Cognizance thereof; one Half to the Naval Officer of the said Port, to be paid and applied for the Purposes and in Manner aforesaid, and the other half to him or them that will sue for the same.

CHAPTER XXIX.

An Act to impower the Courts for the Counties of Tryon and Guilford to lay a Tax by Assessment, for finishing the Court-Houses, Prison and Stocks, in the said Counties; and also to impower the several Counties in the District of Wilmington to levy Taxes for building a District Gaol, and Gaoler's House, in the Town of Wilmington, and other Purposes.

I. Whereas by two Acts of the last Session of Assembly, Commissioners were appointed in the Counties of Tryon and Guilford for building Court Houses, Prisons and Stocks, in the said Counties, and the said Commissioners respectively are thereby impowered to enforce the Collection of the Taxes heretofore laid for the said Purposes, and the Justices of the Courts of the respective Counties are directed to lay such other Taxes as may be sufficient to complete the said Buildings; and whereas the Mode of Taxation heretofore in Use is inconsistent with that adopted by the present General Assembly: For Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That in the said Counties of Tryon and Guilford, a Tax not exceeding One Farthing in the Pound in the County of Tryon, and Eight Pence in the Hundred Pound in Guilford County (and a Tax not exceeding Eight Pence in the County of Guilford, and Eighteen Pence in the County of Tryon, on all the taxable Persons within the said Counties respectively, who have not Property to the amount of One Hundred Pounds) on all the taxable Property therein, shall be levied by the Justices of the said Counties respectively, for the Purposes of building and finishing the Court-Houses, Prisons and Stocks, in the same Counties; which Tax shall be collected and paid to the Commissioners of the respective Counties for the Purposes aforesaid, for and during the Space of Two Years in Tryon County, and One Year in Guilford County.

III. And whereas in the County of Guilford divers Persons of the People called Quakers have been fined for not attending Militia Duty, and many of their Horses and other Effects have been sold for the Payment of the said Fines, whereby considerable Sums of Money remain in the Sheriff's Hands after satisfying the same, which the said People called Quakers, from conscientious Scruples, refuse to receive; Be it therefore Enacted, by the Authority aforesaid, That all the Surplus Money in the Hands of the Sheriff of Guilford aforesaid, arising by the Sale of any of the Effects of the People called Quakers for the Payment of Militia Fines, shall be paid by the said Sheriff into the Hands of Charles Bruce and Robert Lindsey, Esquires, to the Use of the Proper Owners; and if the Sheriff shall neglect or refuse to pay such surplus Money as aforesaid, according to the Directions of this Act, the aforesaid Commissioners shall and may maintain an Action for the same in any Court having Cognizance thereof, and on the Trial of any such Action the Onus Probandi, with Respect to the surplus Monies in the Hands of such Sheriff, shall lie upon the Defendant.

IV. And be it Enacted, by the Authority aforesaid, That so much of the said Two Acts, passed last Session of Assembly, as tend to lay a Poll Tax on the Inhabitants of Tryon and Guilford Counties, for the Purposes of building the Court-Houses, Prison and Stocks, in the said Counties, are hereby repealed and made void.

V. And whereas the Public Gaol for the District of Wilmington has been consumed by Fire, and it being necessary that a new Gaol should be erected for the Purposes both of the County of New Hanover and of the said District; Be it further Enacted, by the Authority aforesaid, That William Wil-

kinson, John Dubois, Henry Toomer, Richard Player, and Andrew Ronaldson, be, and they are hereby appointed Trustees for designing, contracting, building and finishing, a good and sufficient Gaol and Gaoler's House, of such Dimensions and Materials, on the Lot of Ground in the Town of Wilmington where the Gaol which was last built, as a temporary substitute for the District Gaol which was burnt down, stood, as to them or the Majority of them, or their Survivors, shall seem most proper and convenient; which Gaol and Gaoler's House when so erected, shall be and remain the Public Gaol and Gaoler's House of the several Counties within the District of Wilmington aforesaid.

VI. And be it further Enacted, by the Authority aforesaid, That the Sum of Two Thousand One Hundred Pounds shall be collected from the several Counties in the District of Wilmington, in the following Proportions, to-wit, From the County of New Hanover Six Hundred Pounds, and from the Counties of Duplin, Cumberland, Bladen, Onslow, and Brunswick, Three Hundred Pounds each; which said Taxes shall by the Taxgatherers of the respective Counties in the District aforesaid for the Time being be collected, in the same Manner, and under the same Penalties for Non-payment thereof, as is directed by Law for the collecting other Public Taxes; and the Money arising therefrom shall be accounted for and paid by the said Taxgatherers to the Trustees, or a Majority of them, or their survivors as aforesaid, and by them applied towards discharging the Contracts they shall enter into for the Buildings aforesaid.

VII. And be it further Enacted, by the Authority aforesaid, That if any Taxgatherer or Taxgatherers, who shall be chargeable with any of the Taxes by this Act assessed, shall neglect to account for, and pay to the Trustees aforesaid, or the Majority of them, or their Survivors, such Sums as he shall be chargeable with in Virtue of this Act, after deducting the usual Commission for collecting, and such Insolvents as shall be allowed agreeable to Law, the said Trustees, or the Majority of them, or their Survivors, shall have the same Method of Proceeding against such Taxgatherer or Taxgatherers, as is by Law directed against Taxgatherers for not accounting for other Public Monies by them received.

VIII. And be it further Enacted, by the Authority aforesaid, That the Justices of the Courts of the respective Counties in the said District shall summon every Sheriff or other Person to appear before them, and account for and pay all Sums of Money which such Sheriff or other Person shall have heretofore collected by Virtue of any Act of Assembly formerly in Force in this State, imposing a Tax upon the Inhabitants of the said District for the Purpose of erecting a Gaol in Wilmington, to be used as a District Gaol, where such Tax so collected has not been heretofore accounted for and paid as by Law directed; and such Arrears shall be paid to the said Trustees, or a Majority of them, to be applied as other Taxes are by this Act directed to be applied: And such Sheriff or Sheriffs, or other Persons, who shall be so summoned, and fail to attend, or attending shall refuse to account for and pay the Sums which they shall have so collected and not have accounted for, shall be subject to the same Pains, Penalties, Fines and Forfeitures, as Sheriffs are liable to for failing to account for other Public Monies by them received.

IX. And be it further Enacted, by the Authority aforesaid, That the Trustees, or the Majority of them, or their Survivors, shall immediately proceed to the Discharge of the Trust by this Act reposed in them, and shall cause the said Building to be finished within Two Years from the passing of this Act, and shall immediately thereafter lay an Account of their Proceedings

herein, upon Oath, of all Monies they shall receive and pay on Account of the said Building, before the Court of each of the Counties herein named for their Approbation; and the Surplussage of the said Tax, if any, shall be by them paid to the Justices of the said several Counties, in Proportion to the Tax collected in the said Counties respectively, to be applied towards the contingent Charges of the said Counties.

X. And be it further Enacted, by the Authority aforesaid, That after such Gaol shall be erected when any Person or Persons shall be apprehended for any offence committed within the District aforesaid, it shall and may be lawful for the Magistrate or Magistrates before whom such Offender shall be examined, if he or they think it necessary, to commit such Offender to the aforesaid Gaol; and the Sheriff of the County for the Time being where such Offender shall be apprehended, is hereby authorized and required to convey such Offender to the said Gaol, and deliver him or her to the Sheriff or Keeper thereof, and take a Receipt of such Sheriff or Keeper, which shall be his Discharge for such Prisoner.

XI. And be it further Enacted, by the Authority aforesaid, That after the said Gaol and Gaoler's House shall be built as aforesaid, the Sheriff of the County of New Hanover for the Time being, is hereby directed and required to employ some Person of Integrity to be Keeper of the said Gaol, who during the Time any Person committed for a capital Offence shall be in the said Gaol, shall constantly reside in the said Gaoler's House, and take all lawful Ways and Means from preventing the Escape of such Offender.

CHAPTER XXX.

An Act for dividing Edgecombe County, and other Purposes therein mentioned.

I. Whereas the large Extent of the County of Edgecombe renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts and General Elections, and other Public Meetings appointed therein;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the present Session of Assembly, the said County of Edgecombe be divided by a Line, beginning at the cool Springs, at John Powell's on Fishing Creek, thence running to the Falls of Tar River, from thence to the Widow Rose's on Contentney; and that all that Part of the late County of Edgecombe which lies to the East of the said dividing line, shall continue and remain a distinct County, by the Name of Edgecombe; and that all that other Part of the said County of Edgecombe which lies West of the said dividing Line, shall thenceforth be erected into a new and distinct County, by the Name of Nash County.

III. And for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That a Court for the said County of Nash shall be held constantly by the Justices thereof on the First Monday in April, July, October, and January; and the Justices for the said County of Nash are hereby authorized and impowered to hold the first Court in the same at the House of Micajah Thomas, on the First Monday in April next, and all subsequent Courts for the said County on the Days above appointed for holding Courts therein, at any Place to which the said Justices shall from Court to Court adjourn themselves, until a Court House shall be built for the said County of Nash, and then all Causes, Matters and Things, depend-

ing in said Court, and all Manner of Process returnable to the same, shall be adjourned to such Court House; and all Courts held in and for the said County of Nash shall be held by Commission to the Justices, in the same Manner, and under the same Rules and Restrictions, and shall have and exercise the same Power and Jurisdiction, as are or shall be prescribed for other Courts held for the several Counties in this State.

IV. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the late Sheriffs and Collectors of the said County of Edgecombe, as the same stood undivided, to make Distress for any Levies, Fees, or other Dues, now actually due and owing from the Inhabitants of said County as it formerly stood undivided, in the same Manner by Law the said Sheriff or Collectors could or might have done, if the said County had remained undivided; and the said Levies, Fees, and other Dues, shall be collected and accounted for in the same Manner as if this Act had never been made, any Thing herein contained to the contrary notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That after the passing of this Act the said County of Nash shall be, continue and remain, Part of the District of the Superior Court of Law and Justice usually held for the District of Halifax; and the County Treasurer of the said County of Nash shall from Time to Time account for and pay to the Public Treasurer of the Northern District of this State for the Time being, all Public Levies by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the like Pains and Penalties, as other County Treasurers.

VI. And be it further Enacted by the Authority aforesaid, That Joseph Clinch, Arthur Arrington, Henry Horn, Jun., Daniel Ross, and Isaac Horn, be appointed Commissioners, and they are hereby impowered and required to run the said dividing Lines between the Counties of Edgecombe and Nash, agreeable to the Directions of this Act; which said Lines when run by the Commissioners, or a Majority of them, shall be by them entered on Record in the Court of each of the said Counties, and shall thereafter be deemed and taken to be the dividing Lines between the said Counties of Edgecombe and Nash.

VII. And be it further Enacted, by the Authority aforesaid, That Duncan Lamon, Nathan Boddie, Matthew Drake, Edward Clinch, and Arthur Arrington, Esquires, the Survivor or Survivors of them, be, and they are hereby impowered and directed to agree and contract with Workmen for erecting and building a Court House, Prison and Stocks, for the Use of the said County of Nash, at such Place as they, or a Majority of them, or their Survivors, shall agree upon.

VIII. And for reimbursing the said Commissioners the Money they shall expend in erecting the said Buildings, and running the dividing Lines between the said Counties; Be it Enacted, by the Authority aforesaid, That a Tax of one Farthing in the Pound shall be, and is hereby assessed on the taxable Property in the said County of Nash for Two Years, to commence from the passing of this Act; and that all Persons who shall refuse or neglect to pay the said Tax at the Time limited for Payment of Public Taxes, shall be liable to the same Penalties and Distress as for Non-Payment of Public Taxes: And the Collectors of the said County are hereby required and directed to account for and pay the Monies by them so collected to the Commissioners aforesaid, after deducting Six per Cent. for their Trouble in collecting the same; and in case of Failure or Neglect in any of the said Collectors, such Collector so failing or neglecting shall be liable to the

same Penalties and Recoveries, as by Law may be had against Collectors of Public Taxes in like Cases.

IX. And be it further Enacted, by the Authority aforesaid, That all Manner of Suits, Causes and Pleas, whether civil or criminal, now commenced and depending in the County Court of Edgecombe, shall continue, and may be prosecuted to a final End and Determination, any Thing in this Act to the contrary notwithstanding.

CHAPTER XXXI.

An Act for erecting the District of Washington into a County, by the Name of Washington County.

I. Be it Enacted by the General Assembly of the State of North Carolina and it is hereby Enacted by the Authority of the same, That the late District of Washington, and all that Part of this State comprehended within the following Lines, shall be erected into a new and distinct County, by the Name of Washington County, viz. Beginning at the most North Westerly Part of the County of Wilkes, on the Virginia Line; thence running with the Line of Wilkes County, to a Point Thirty Six Miles South of the Virginia Line; thence due West, to the Ridge of the great iron Mountain which heretofore divided the Hunting Grounds of the Overhill Cherokees, from those of the Middle Settlements and Valley; thence running a South Westerly Course, along the said Ridge, to the Unacoy Mountain, where the trading Path crosses the same from the Valley to the Overhills; thence South with the Line of this State, adjoining the State of South Carolina; thence due West, to the great River Mississippi; thence up the said River the Courses thereof, to a Point due West from the Beginning; thence due East with the Line of this State, to the Beginning: And it is hereby declared, that all that Part of this State comprehended within the Lines aforesaid shall from henceforth be and remain the County of Washington, and shall be, and is hereby declared to be Part of the District of Salisbury.

II. And be it further Enecated, by the Authority aforesaid, and it is hereby Declared, That all that Part of this State lying West of Rowan County, and South of the County of Washington, shall be, and is hereby declared to be Part of the County of Burke.

III. And for the due Administration of Justice, Be it Enacted, by the Authority aforesaid, That Justices of the Peace shall be nominated and commissioned, and Courts held in the said County of Washington, in the same Manner, and with the same Powers and Jurisdiction, as Justices and Courts in the other Counties in this State; and that the Courts of the said County of Washington shall be held on the Fourth Mondays in February, May, August, and November.

IV. And be it Enacted, by the Authority aforesaid, That the said Justices to be appointed for the County of Washington, are hereby directed to meet on the Fourth Monday in February next,at the House of Charles Robertson, and take the Oaths appointed for their Qualification; and the said Justices, or any Three of them, after being so qualified, shall hold a Court at the Place and Times herein before appointed, and every of them, at all Times during their Continuance in Office, as well within their Courts as without, shall have and exercise the same Power and Authority, and be subject to the same Forfeitures and Penalties, as other Justices of the Peace within the several Counties in this State are liable to.

V. And be it further Enacted, by the Authority aforesaid, That John Carter,

Andrew Greer, William Cobb, Jacob Womack, George Russell, John Sevier and James Stuart, Esquires, or a Majority of them, be, and they are hereby appointed Commissioners to lay off and appoint the Place where the Court House, Prison and Stocks, for the Use of the said County of Washington, shall be built, and there to erect, or cause the same to be erected.

VI. And for defraying the Expence of the said Buildings, Be it Enacted, by the Authority aforesaid, That a Tax of Two Shillings and Six Pence per Hundred Pounds be laid on all the taxable Property which is liable to be assessed in the said County of Washington, and also a poll tax of Two Shillings and Six Pence on every Free man in the said County who shall not possess an Estate of One Hundred Pounds Value of taxable Property (Soldiers in the continental Service or the Service of this State excepted) and that the same shall be assessed and collected by the same Persons, and in the same Manner, as the Public State Tax in the said County; and that the tax to be assessed by Virtue of this Act, when assessed and collected, shall be paid into the Hands of the Commissioners herein named for erecting the Public Buildings; and on Non-payment of the Tax to be collected in Virtue of this Act from the several Collectors thereof, the said Collectors shall be liable to the same Penalties as for other Public Taxes, and the said Commissioners shall be intitled to the same Mode of Recovery against the said Collectors, as the Public Treasurers are intitled to have against them on Non-Payment of the Public Taxes.

VII. And be it further Enacted, by the Authority aforesaid, That if the Tax to be assessed by Virtue of this Act should be more than sufficient to complete the said Public Buildings, the Overplus remaining in the Hands of the said Commissioners shall be applied to the defraying the contingent Charges of the County.

VIII. And be it Enacted, by the Authority aforesaid, That the Sheriff of the said County of Washington is hereby impowered and directed to account for and pay the Money by him collected for the Purpose of building the aforesaid Court House, Prison and Stocks, to the Commissioners aforesaid, after deducting his Commissions for collecting the same.

IX. And be it further Enacted, by the Authority aforesaid, That the Commissioners herein before appointed, or a Majority of them, are hereby impowered and directed to employ Workmen to build the Court House, Prison and Stocks, in the said County of Washington; and the Court of the said County shall and may be held at the House of Charles Robertson, in the said County, until the Court House shall be built, and immediately after the same is built shall stand adjourned to the Court House.

X. And be it further Enacted, by the Authority aforesaid, That the County of Washington shall be intitled to the same Privileges and Immunities as other Counties in this State.

CHAPTER XXXII.

An Act for erecting Part of the County of Surry, and Part of the District of Washington, into a separate and distinct County, by the Name of Wilkes.

I. Whereas the large extent of the County of Surry, and the District of Washington, renders it grievous and burthensome to many of the Inhabitants thereof to attend the Courts, General Musters, and other Public Meetings therein;

II. Be it therefore Enacted by the General Assembly of the State of North

Carolina, and it is hereby Enacted by the Authority of the same, That from and after the Fifteenth Day of February next after the Passing of this Act, the said County of Surry and District of Washington be divided by the following Lines: Beginning at a Point Twenty Six Miles due West of Surry Court House, thence North to the Virginia Line, thence West along the said Line to the Ridge that divides the Waters of Holston and New Rivers, thence along the said Ridge to Burke County Line, thence Eastwardly along the Line that divides the Counties of Surry and Burke to Rowan County Line, thence along Rowan County Line to a Point due South of the Beginning, thence North to the Beginning, be erected into a distinct County, by the Name of Wilkes.

III. And for the due Administration of Justice, Be it Enacted by the Authority aforesaid, That from and after the Fifteenth Day of February next, an Inferior Court of Pleas and Quarter Sessions shall be held for the said County of Wilkes at the House of Mr. John Brown, on the first Mondays in March, June, September, and December, by Commission to the Justices, in the same Maner as other Inferior Courts of Pleas and Quarter Sessions are held within this State; and the said Inferior Court shall take Cognizance of all Matters, Suits and Things, and is hereby vested with the same Powers, Jurisdictions and Authorities, as any other Inferior Court shall or can have within this State.

IV. And be it further Enacted, by the Authority aforesaid, That the Justices to be appointed for the County of Wilkes, are hereby directed to meet on the First Monday in March next, at the House of John Brown aforesaid, and take the Oaths appointed for their Qualification; and the Justices of the said County of Wilkes, or any Three of Them, after being so qualified, shall hold an Inferior Court of Pleas and Quarter Sessions at the Times herein before mentioned; and the said Justices of the Peace, and every of them, at all Times during their Continuance in Office, as well within their Inferior Courts of Pleas and Quarter Sessions as without, shall have and exercise the same Powers and Authorities, and be subject to the same Forfeitures and Penalties, as other Justices of the Peace of the several Counties within this State are liable.

V. And be it further Enacted, by the Authority aforesaid, That Charles Gordon, Benjamin Cleveland, Joseph Herndon, and Elisha Isaacs, be, and they are hereby appointed Commissioners for the said County of Wilkes, who are hereby invested with full Power and Authority to contract and agree with Workmen to build a Court House, Prison and Stocks in the said County.

VI. And be it further Enacted, by the Authority aforesaid, That a Tax not exceeding One Shilling shall be levied on each Hundred Pounds Value of all the assessable Property of the said County of Wilkes, for the Term of Two Years, for the Purpose of Public Buildings, as in this Act before directed; which said Tax shall be collected at such Times, and accounted for in the same Manner, and under the same Regulations as other County Taxes are or shall be collected and accounted for in this State.

VII. And be it further Enacted, by the Authority aforesaid, That nothing herein contained shall be construed to debar the Sheriff or Collectors of Taxes in the said County of Surry, as it now stands undivided, to make Distress for any Levies, Fees, or other Dues that shall be due from the Inhabitants of the said County on the said Fifteenth Day of February, in the same Manner as by Law the said Sheriffs or Collectors could or might have done if the said County had remained undivided; and the said Levies, Fees and other Dues, shall be accounted for in the same Manner as if this Act

had never been made, any Thing herein contained to the contrary notwithstanding.

VIII. And be it further Enacted, by the Authority aforesaid, That after the said Fifteenth Day of February, the said County of Wilkes shall be, continue, and remain Part of the District of the Superior Court of Justice usually held for the District of Salisbury; and the Treasurer of the said County of Wilkes shall, from Time to Time, account for and pay to the Public Treasurer of this State for the Time being, all such Public Taxes by him collected, or wherewith he shall stand chargeable, in the same Manner, and under the like Pains and Penalties as other County Treasurers.

IX. And be it further Enacted, by the Authority aforesaid, That Henry Speer, Joseph Herndon, and Robert Lanier, be appointed Commissioners, and they, or a Majority of them, are hereby impowered and required to run the dividing Line between the Counties of Surry and Wilkes, agreeable to the Directions of this Act; which said Lines when run by the Commissioners aforesaid, shall be by them entered on Record in the Court of each of the said Counties of Surry and Wilkes.

CHAPTER XXXIII.

An Act for adding Part of the County of Duplin to Johnston.

I. Whereas the upper Part of Duplin County is very extensive in Length, which renders it burthensome to the Inhabitants of Johnston and Cumberland Counties, by reason of the said County of Duplin running up Twenty Miles between Johnston and Cumberland Counties, not more than Three Miles wide, which obstructs the making of Roads and keeping them in Repair, much to the Injury of the Inhabitants of the aforesaid Counties and Damage of Travellers:

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all that Part of Duplin County above Dismal Creek be added to the County of Johnston, and that it be divided by said Creek, beginning at the Mouth of the Creek, Cumberland Line, thence running up the Meanders of the said Creek an East Course to Johnston County Line: and that from and after the passing of this Act, that all that Part of Duplin County above said Creek be annexed to, and made Part of the County of Johnston, and the Inhabitants thereof shall be subject and liable to the same Rules, Orders, Taxes, and Privileges, as any other the Inhabitants of the County of Johnston.

CHAPTER XXXIV.

An Act for erecting a Prison in the Town of Edenton, for the Use of the District of Edenton.

I. Whereas it is necessary that a new Prison should be built for the Use of the District of Edenton;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That Joseph Hewes, William Bennett, and Charles Bonfield, Esqrs., be, and they are hereby nominated and appointed Trustees and Directors for building and erecting a good and sufficient Prison for the Use of the District aforesaid, and for that Purpose to contract and agree with proper Persons for compleating

and finishing the said Prison, in such Manner as they shall think necessary and convenient.

III. And be it further Enacted, by the Authority aforesaid, That an Assessment of One Shilling be levied on each Hundred Pounds Value within the County of Chowan, and of Six Pence on each Hundred Pounds Value within the Counties of Currituck, Pasquotank, Perquimans, Bertie, Tyrrell, Hertford, and Cambden, for Two Years, to be collected for the present and succeeding Year by the Sheriffs or Collectors of the said Counties respectively, and accounted for and paid to the said Trustees and Directors, at the same Time, in the same Manner, and under the like Penalties and Restrictions, as by Law is directed for collecting, accounting for, and paying Pubilc Taxes.

IV. And be it further Enacted, by the Authority aforesaid, That before the said Trustees and Directors shall enter upon their said Trust, or take into their Hands any of the Monies aforesaid, they shall enter into Bond, in the sum of Three Thousand Pounds, payable to the Justices of the County Court of Chowan, and their Successors, with Condition for the faithful Discharge of the Trusts in them reposed by this Act.

V. And be it further Enacted, by the Authority aforesaid, That if the Taxes arising by Virtue of this Act shall be more than sufficient to compleat the Buildings herein directed, the Surplus thereof shall by the Trustees herein named be paid to the Court of each County, in Proportion to the Taxes collected from each of the said Counties, and paid by the Sheriffs to the Trustees.

CHAPTER XXXV.

An Act to ratify and confirm an Act, intituled, An Act for the Regulation of the Town of Wilmington; also to revive an Act, intituled, An Act for the Regulation of the Town of Wilmington.

I. Whereas an Act, passed at a General Assembly began and held at New Bern on the Twelfth Day of December, in the Year of our Lord One Thousand Seven Hundred and Fifty Four, and from thence continued, by several Prorogations, to the Thirtieth Day of September, in the Year of our Lord One Thousand Seven Hundred and Fifty Six, intituled, An Act for the Regulation of the Town of Wilmington, has been found highly beneficial and convenient to the Inhabitants of the said Town, and the Neighborhood thereof; and whereas by the Separation of this State from Great Britain, and all Dependence thereupon, such Act must cease and be void, unless ratified and confirmed by the General Assembly of this our independent State;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That the said Act, and every Clause and Part thereof, perfectly consistent with the Constitution of Laws of this State, and so far as it stands unrepealed by any subsequent Law passed in this State during its Dependence on Great Britain, be, and hereby is declared to be in full Force and Virtue.

III. And whereas an Act passed at an Assembly held at New Bern on the Nineteenth Day of November, in the Twelfth Year of the Reign of the King of Great Britain, and during the Dependence of this State thereupon, intituled, An Act to amend an Act for the Regulation of the Town, has been also found very beneficial in its Operation, and the same has expired, and it being necessary that the said last mentioned Act should be revived: Be

it further Enacted, by the Authority aforesaid, That the said last mentioned Act, and every Clause and Article thereof, so far as it perfectly consists with the Constitution of this State, and the Laws thereof, be and continue in Force for and during the Term of Three Years from and after the passing thereof, and from thence to the End of the next Session of Assembly, and no longer.

CHAPTER XXXVI.

An Act for levying a Tax for defraying the Contingencies of the several Counties in this State, and other Purposes.

I. Whereas it is necessary to make Provision for discharging the Contracts and Agreements heretofore made by the Inferior Courts in the several Counties in this State, and for other good and necessary Purposes;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That for the future an Annual Tax, not exceeding One Shilling for every Hundred Pound only of all taxable Property in this State, be levied for the Purposes aforesaid, which Value shall be assessed and the Tax collected by the Assessors and Collectors of the Public Taxes respectively, at the same Time, and in the same Manner, and under the Rules, Restrictions, Forfeitures and Allowances, as made and directed for assessing Property and collecting Public Taxes in an Act of the General Assembly, intituled, An Act for leyving a Tax by General Assessment, and other Purposes; and the said Collectors in each District of every County in this State are hereby impowered and required to collect the aforesaid Tax, or so much thereof as the County Court shall order, and pay the same on or before the First Day of April annually into the Hands of the Trustee of the respective County, whose Receipt shall be a sufficient Discharge to such Collector.

III. And be it further Enacted, by the Authority aforesaid, That the Justices of the several County Courts in this State shall, during the Sitting of their respective Courts to be held next after the First Day of July, in the Year of our Lord One Thousand Seven Hundred and Seventy Eight, and so at such Courts yearly, and every Year, proceed to consider what Sums of Money will be necessary and sufficient for the Purposes mentioned in this Act, and for the other Contingencies of their respective Counties; and in case they should determine that the Tax by this Act imposed will be greater than the Inhabitants of such County can conveniently pay, or will raise more Money than will be wanted for the aforesaid Purposes, the Court may order that the Collectors do collect only so much thereof as they may think necessary and expedient, and the Public Collectors are hereby impowered and required to collect the same accordingly, and no more, of the Tax by this Act laid on taxable Property, any Thing herein before contained to the contrary notwithstanding: And the said Court shall, and they are hereby required, in each respective County, during the Term aforesaid, to appoint one good and proper Person to act as a Trustee for One Year for the Purposes herein mentioned, which Appointments shall be entered on the Records of the said Court; and the Person so appointed, after giving Bond and sufficient Security for the faithful Discharge of his Duty, agreeable to the Directions of this Act, and the Orders of the Court, is hereby directed, and shall have full Power and Authority to sue for, recover and receive, from the late Sheriff of the County, and from all other Persons, all Monies which may be in their Hands due and payable to, and for the Use of such County, and shall

also receive from the Collectors all such Sums of Money as they shall be liable for in Virtue of this Act; which Monies the Trustees respectively shall apply as the County Court may direct, and to no other Use or Purpose whatsoever.

IV. And be it further Enacted, by the Authority aforesaid, That in case of the Death, Disqualification, Neglect, or Refusal to Act, of any of the Trustees by this Act to be appointed, the Court of the County where such Death, Disqualification, Neglect or Refusal, shall happen, may proceed to appoint one other good and proper Person to fill up such Vacancy until the next annual Appointment, under the Rules and Regulations before described; and such Trustee during his Continuance in that Appointment, shall have the same Powers and Authorities which by this Act are given to other County Trustees; and the County Courts in this State are hereby respectively invested with full Power to direct the Application of all Monies arising by Virtue of this Act to and for the Purposes herein mentioned, and to any other good and necessary Purpose for the Use of the County, and may allow the County Trustee a reasonable Salary out of the same for his Services.

V. And be it also Enacted by the Authority aforesaid, That every Freeman in this State (other than Soldiers in the continental Service) who does not possess the Value of One Hundred Pounds in taxable Property, shall pay annually a Tax of One Shilling in Lieu of Assessment on Property, which Sum shall be collected and accounted for as other Taxes mentioned in this Act; and in case any Justice of the Peace, or Trustee of any County in this State, shall neglect or refuse to do and perform the several and respective Duties by this Act required, or any of them, or if the Clerk of any County shall neglect or refuse to furnish the several Collectors in due Time with attested Copies of such Orders as the Court of his County may make respecting the Collection of the aforesaid Tax, the Person so offending, refusing or neglecting, shall forfeit and pay for every Neglect or Refusal the Sum of Five Pounds good and lawful Money of this State; to be recovered by Action of Debt, in the Name of the Governor or Commander in Chief for the Time Being, to and for the Use of the County where the Offence was committed.

CHAPTER XXXVII.

An Act for securing Lots in Elizabeth Town, in Bladen County.

I. Whereas from the Impossibility of procuring Nails and other necessary Materials for Building, as well as from many other unavoidable Hindrances, occasioned by the present Contest with Great Britain, it has been put entirely out of the Power of the Inhabitants of the Town of Elizabeth, in Bladen County, to compleat their Buildings on their respective Lots within the Time limited by Law;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That every Lot in the said Town, on which a House shall be built of the Dimensions mentioned in an Act of assembly, intituled, An Act for establishing a Town on the Land of Isaac Jones, on Cape Fear River, in Bladen County, or other improvements made thereon, which shall be deemed by the Directors or Commissioners of said Town equal thereto, within the Space of Three Years after the passing of this Act, shall and is hereby declared to be vested in the Grantee thereof, his Heirs and Assigns, in fee simple, any Thing in the said Act contained to the contrary notwithstanding.

CHAPTER XXXVIII.

An Act for adding Part of Brunswick County to Bladen, and Part of Bladen to Brunswick County.

I. Whereas the Part of Brunswick County on the Western side of Waggamaw Lake, lying between the dividing Line of Brunswick and Bladen Counties, and the Swamp called the Devil's Elbow, renders it extremely inconvenient for the few Persons who reside thereon to attend Courts and Public Duties in Brunswick County, being obliged to go a considerable Distance into Bladen County, and to make a large Circuit before they get into their own County on any direct Road; and whereas the Lands on the Northern Side of the said Swamp is of easy Access on the Bladen Side, and proves an Asylum for Vagabonds and Persons of evil Fame, who do not pay Taxes in any County, and are out of the Reach of any Process that can issue from Bladen, to the great Prejudice of the neighbouring Inhabitants; and whereas those Parts of Bladen County on the Eastern Side of the Northwest River, as high up the said River as Brunswick County reaches on the Western Side, make Part of the Plantations of the Inhabitants of Brunswick County who live on the said River, and will make it very inconvenient and expensive for them to give in their Lands and other Estates in Bladen County, and subject them to many other Inconveniences: For Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all that Part of Brunswick County on the Western side of Waggamaw Lake, lying between Brunswick and Bladen Line, and the Southern Side of the Swamp known by the Name of the Devil's Elbow, beginning at the Outlet from the said Lake, and running around the outermost Side of the said Swamp called the Devil's Elbow, until it intersects the said Line a South West Course to the Province Line, shall be, and is hereby added to, and made Part of Bladen County; and that all those Parts of Bladen County lying on the Eastern Side of the Northwest River, beginning at the upper Corner of the Plantation of John Granger, Sen., Esq; on the same Side of the River, and running thence a North East Course to Black River, including all the Lands from the said Line downwards to New Hanover Line, be, and are hereby added to, and made Part of Brunswick County.

III. Provided always, That this Act shall not extend, or be construed to extend to prevent the late Sheriffs, or any Collectors of Public or County Taxes in the Counties of Bladen and Brunswick, or any of them, from making Distress for any Taxes, Fees, or other Dues, now payable, in the same Manner as if this Act had never been made.

IV. And be it Enacted, by the Authority aforesaid, That John Turner, Duncan Morrison, Edward Wingate, and John Drew, Esquires, be appointed Commissioners, and they are hereby impowered and required to run the dividing Line from the White Marsh Swamp to the Province Line; and that Thomas Brown, George Lucas, Thomas Neil, and John Davis, be appointed Commissioners, and they are hereby impowered and required to run the dividing Line, from the Eastern Side of the Northwest River, agreeable to the Directions of this Act; which said Lines when run by the Commissioners, or a Majority of them, shall be by them entered on Record in the Court of each of the said Counties, and shall hereafter be deemed and taken to be the dividing Lines between the said Counties of Brunswick and Bladen.

CHAPTER XXXIX.

An Act for building a Court House in the Town of Salisbury, for the District of Salisbury.

I. Whereas the Court House in the Town of Salisbury, in the County of Rowan, is greatly decayed, and in so ruinous a condition that Courts cannot be held therein;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That Maxwell Chambers, Anthony Newman, David Love, Hezekiah Alexander, James Johnston, Charles McDowell, Robert Lanier, Robert Lindsay, John Sevier, and Charles Gordon, Esquires, be, and are hereby appointed Commissioners, and they, or any Four of them, shall and may and they are hereby required, within Eighteen Months after the passing of this Act, to agree and contract with Workmen for building and erecting a new Court House in the Town of Salisbury, on the Lot of Ground whereon the Court House now stands.

III. And be it further Enacted, by the Authority aforesaid, That Eight Pence per Hundred Pound be levied on the taxable Property in the County of Rowan, and Eight Pence on all taxable Persons in said County who are not possessed of Property of One Hundred Pound Value, and Four Pence per Hundred Pound be levied on the taxable Property in the Counties of Anson, Mecklenburg, Tryon, Burke, Guilford, Surry, Washington and Wilkes, and Four Pence on all taxable Persons within the last mentioned Counties who are not possessed of Property of One Hundred Pounds Value, for Two Years, that is to say, the Year One Thousand Seven Hundred and Seventy Eight, and the Year One Thousand Seven Hundred and Seventy-Nine, to be levied, collected and accounted for, in the same Manner, and at the same Times, as the Taxes directed to be collected by an Act for levying a Tax by general Assessment, and other Purposes; which said Tax so collected, shall be paid to the Commissioners or a Majority of them, and by them shall be applied to defray and pay for building said Court House.

IV. And be it further Enacted, by the Authority aforesaid, That the said Commissioners, or a Majority of them, after the aforesaid Building shall be erected, built and finished, shall render an Account of the Monies by them received in Virtue of this Act, together with that of their Disbursements, to the County Court of Rowan.

V. And be it further Enacted, by the Authority aforesaid, That the Collectors and County Treasurers of the respective Counties in the said District of Salisbury for the Time being, shall before he or they collect or receive any Part of the Tax herein laid, enter into Bond, with Two sufficient Securities, to the said Commissioners, for the faithful Collection and Payment of the aforesaid Tax.

VI. And be it further Enacted, by the Authority aforesaid, That in case the Money arising by this Act should be more than sufficient to complete the Buildings aforesaid, then the Surplus shall be returned to the County Courts of the different Counties, in Proportion to their several Quotas.

CHAPTER XL.

An Act for laying a Tax to defray the Expence of the Public Buildings in the County of Burke, and other Purposes therein mentioned.

I. Whereas the Poll Tax heretofore laid on the Inhabitants of Burke County by Act of Assembly, for the Purpose of defraying the Expence of

the Public Buildings in the said County hath not been collected; and whereas a Tax on Property is deemed more equitable, and would be much easier and more speedily collected by the Collectors of the Public Taxes for the State;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That a Tax of Two Shillings per Hundred Pounds be laid on all the taxable Property which is liable to be assessed in the said County of Burke, and that the same shall be assessed and collected by the same Persons, and in the same Manner, as the Public State Tax in the said County; and that the Tax to be assessed by Virtue of this Act, when assessed and collected, shall be paid into the Hands of the Commissioners herein after named for fixing the Court House, and erecting the Public Building in the said County of Burke: And on Non-payment of the Tax to be collected by Virtue of this Act from the several Collectors thereof, the said Collectors shall be liable to the same Penalties as for other public Taxes, and the said Commissioners shall be intitled to the same Mode of Recovery against the said Collectors, as the Public Treasurers are intitled to have against them on Non-payment of the Public Taxes.

III. And be it further Enacted, by the Authority aforesaid, That if the Tax to be assessed by Virtue of this Act should be more than sufficient to compleat the said Public Buildings, the Overplus remaining in the Hands of the Commissioners shall be applied to the defraying the contingent Charges of the County.

IV. And whereas the Commissioners heretofore appointed for fixing a Place for the Court-House, and erecting the Public Buildings thereon in the County of Burke, for the Use of the same, have neglected that Duty; Be it therefore Enacted by the Authority aforesaid, That Christopher Beekman, Charles McDowell, George Cathey, Hugh Brevard, George Wilthong, James Davidson, John Conally, Andrew Woods, and William Sharp, Esquires, of Rowan County, be, and they are hereby appointed Commissioners for fixing a Place for the Court-House, and building a Court-House, Prison and Stocks, in the County of Burke, for the Use of the same; and they, or a Majority of them, are hereby invested with full Power to fix the Place, and compleat the said Buildings.

V. And be it further Enacted, by the Authority aforesaid That so much of an Act of the last Session of this Assembly, intituled, An Act for dividing Rowan County, and other purposes therein mentioned, as comes within the Purview of this Act, shall be, and is hereby repealed.

CHAPTER XLI.

An Act to amend an Act, passed the last Session of this Assembly, intituled, An Act for establishing a new County between Hillsborough and the Virginia Line, by erecting the Northern Part of Orange County into a distinct County, by the Name of Caswell.

I. Whereas so much of the said Act as respects the levying of a Tax for defraying the Expences of the Public Buildings in the said County of Caswell, is found to lay the Burthen of the same unequally: For Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That a Sum, not exceeding Two Shillings per Hundred Pounds Value of taxable Property be

levied on the Inhabitants of the said County of Caswell by Assessment, in like Manner as all other Taxes are levied within this State, and a Tax, not exceeding Two Shillings, on each Person of said County who by the Assessment Act is liable to a Poll Tax; which Taxes shall be collected for the Years One Thousand Seven Hundred and Seventy Eight and One Thousand Seven Hundred and Seventy Nine, and that the same be collected and accounted for as other Taxes, and paid to the Commissioners named in the Aforesaid Act, in like Manner as the Poll Tax directed to be levied by the said Act was to have been paid; and so much of the said Act as respects the levying a Poll Tax be, and is hereby repealed.

CHAPTER XLII.

An Act for adding Part of Anson County to Bladen.

I. Whereas the Inhabitants of the lower End of Anson County labour under great Inconveniences in attending the Courts and other Public Meetings of the said County at the Court-House thereof, and being more Convenient for those Purposes to the County of Bladen, are desirous to be annexed thereto;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That James Pickett, Charles Medlock, Abraham Barns, and Richard Smith, Esquires, be, and they are hereby appointed Commissioners, and they, or a Majority of them, are required and directed, within Three Months after the Passing of this Act, to run and mark, or cause the same to be done, a Line from Drowning Creek Bank, beginning where Overstreet's Bridge formerly was, thence running the shortest course to the dividing Line between this State and the State of South Carolina; and all that part bounded to the lower End by the Line above directed to be marked, and along the said South Line to where it crosses Drowning Creek, shall be, and is hereby annexed to, and made Part of the County of Bladen, and the Inhabitants thereof shall be subject and liable to the same Rules, Orders, Taxes, and Privileges, as any other of the Inhabitants of the said County of Bladen.

CHAPTER LXIII.

An Act for impowering Commissioners to build a Prison and Stocks in the County of Duplin, and other Purposes therein mentioned.

I. Whereas the Commissioners heretofore by Act of Assembly appointed for building a Prison and Stocks in the County of Duplin, have failed to discharge the Trust reposed in them;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That Thomas Kenan, Robert Dickson, and Thomas Hicks, be, and are hereby appointed Commissioners for the Purposes aforesaid, and they, or a Majority of them, are hereby authorized and impowered to agree and contract with Workmen for building a Prison and Stocks for the Use of the said County, on the Lot whereon the Court House now stands; and if any of the Commissioners appointed by this Act should die, remove out of the County, or refuse to act, the remaining Commissioners shall appoint another Commissioner or Commissioners, in the Room and Stead of such Commissioner or Commissioners

so dying, removing, or refusing to act; and the Commissioners so appointed, shall have the same Powers as the Commissioners appointed by this Act.

III. And be it further Enacted, by the Authority aforesaid, That the said Commissioners herein named, or a Majority of them, shall have full Power and Authority to demand, sue for, recover and receive, of and from the late Sheriffs and Commissioners of said County, or any other Person in whose Hands the same may be, all and every Sum or Sums which have been laid as a Tax or Taxes on the Inhabitants of said County for the Purpose aforesaid, for which the Sheriff or other Persons, or any of them, are liable; and in case of Failure or Neglect in paying the said Monies to the Commissioners herein named by the said Sheriffs or other Persons, or any of them, he or they so failing or neglecting shall be liable to the same Penalties, and the same Mode of Recovery may be had against him or them, as by Law should or might have been had against Sheriffs who neglected or refused to account for and pay Public Taxes.

IV. And whereas the Tax heretofore laid for the Purposes aforesaid will be insufficient to answer the Purposes intended thereby, It is therefore further Enacted, That the Court of the said County are hereby impowered to levy by Assessment a Sum, not exceeding Two Hundred Pounds, on all the taxable Property therein, to be assessed, collected and accounted for, in the same Manner as Public Taxes.

CHAPTER XLIV.

An Act to ratify an Act, intituled, An Act for the better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town; also to ratify an Act, intituled, An Act for the better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town; also to ratify an Act, intituled, An Act for amending an Act, intituled, An Act for the better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town.

I. Whereas it is necessary, for the better Regulation of the Town of New Bern, that the above recited Acts should be continued and enforced.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That the said Acts, so far as they are conformable to the present Constitution, are and shall be in Force for and until the End of the next Session of the General Assembly, and no longer.

CHAPTER XLV.

An Act for the Regulation of the Town of Edenton.

I. Whereas the Regulation of the Town of Edenton would be highly beneficial and convenient to the Inhabitants thereof;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, Joseph Hewes, Robert Smith, William Bennet, Charles Bondfield, and Samuel Dickenson, Esquires, be, and they are hereby appointed Commissioners of the said Town; and they, or a Majority of them, are hereby invested with the same Powers, and made subject to the same Rules and Regulations, as Commissioners heretofore appointed.

III. And be it further Enacted, by the Authority aforesaid, That from and after the passing of this Act, the Commissioners of the said Town, or a Majority of them, shall, and they are hereby required, within Sixty Days after the First Day of January in every year, to lay such Tax as they may Judge necessary, not exceeding Eight Shillings; which Tax shall be collected by Warrant under the Hands and Seals of the Commissioners, or a Majority of them, directed to any Person they shall appoint to collect the same, returnable at such Time as shall be therein mentioned; which said Collector, appointed as aforesaid, is hereby impowered to collect and make Distress for the same, in like Manner as the Sheriffs or other Collectors of Public, County, or Parish Taxes, are impowered by Law; and the Money arising therefrom, after deducting Six per Cent. Commissions, shall by him be paid into the Hands of the Commissioners, or a Majority of them, to be by them applied and laid out in clearing and repairing the Publick Streets, Lanes and Alleys, and in any other Public Work they may judge necessary for the Benefit of the said Town.

IV. And be it further Enacted, by the Authority aforesaid, That all Persons residing Three Months in the said Town next before the First Day of January in every Year, shall afterwards be subject to pay Taxes in the said Town.

Read Three Times and ratified in General Assembly the Twenty-fourth Day of December, 1777.

SAMUEL ASHE, S. S.
ABNER NASH, S. C.

LAWS OF NORTH CAROLINA, 1778.

At a General Assembly, begun and held at New Bern on the Fourteenth Day of April, in the Year of our Lord One Thousand Seven Hundred and Seventy Eight, and in the Second Year of our Independence: Being the First Session of this Assembly. *Richard Caswell, Esq.*, Governor.

CHAPTER I.

An Act for raising Men to complete the Continental Battalions belonging to this State.

I. Whereas it is absolutely necessary that the continental Battalions belonging to this State be compleated, and it is found impracticable to obtain that End in the common Mode of recruiting;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That Two Thousand Six Hundred and Forty Eight Men shall be raised and detached from the Militia of this State towards compleating the same, in the following Proportion and Manner, viz. From the County of Craven Eighty Six, Carteret Thirty, Beaufort Twenty Six, Johnston Thirty Four, Hyde Twenty Eight, Dobbs One Hundred and Three, Pitt Thirty Five, New Hanover Thirty Two, Onslow Forty-Seven, Bladen Sixty Three, Duplin Sixty Two, Cumberland Seventy Three, Brunswick Thirteen, Rowan One Hundred and Seventy Four, Mecklenburg One Hundred, Tryon Eighty Three, Anson Seventy Eight, Surry Eighty Eight, Guilford One Hundred and Fifty Six, Burke Sixty Two, Washington Sixty Two, Wilkes Thirty Five, Orange One Hundred, Granville Seventy, Wake Sixty, Chatham Sixty Six, Caswell Seventy Seven, Halifax Eighty Six, Northampton Sixty Two, Edgecombe Sixty Three, Bute One Hundred and Five, Martin Thirty Seven, Nash Fifty Six, Chowan Thirty Three, Perquimons Thirty Three, Pasquotank Forty Five, Currituck Fifty, Bertie Seventy Six, Tyrrell Thirty Four, Hertford Sixty Two, and Cambden Forty One. And the Colonel or Commanding Officer in each County is hereby directed to order the Field Officers and Captains to his Regiment belonging to meet at the Court House on or before the Twenty-Fifth Day of May next, and the Field Officers and Captains shall then and there apportion the Men to be raised in the County to the several Companies, in Proportion to the Number of Militia, including Officers of every Rank, his Excellency the Governor only excepted, in each Company respectively, after deducting for such Militia Men only as shall have heretofore actually inlisted good and able bodied Men as regular Soldiers, or cause such to be inlisted, to serve in the continental Army agreeable to the Act passed in May One Thousand Seven Hundred and Seventy Seven, for encouraging the recruiting Service, which said Inlistments they shall prove by their own Oath, and the Testimony of an indifferent Person, to be obtained without Fraud or Collusion in due Time, and without the Procurement of Assistance of any continental Officer or Soldier, and the commanding Officer in each and every County shall, within Five Days after such Meeting, order a General Muster at the Place or Places by Law appointed, and he is hereby authorized to offer a Bounty of One Hundred Dollars to every able bodied Man who shall voluntarily enter into the Service, and if a sufficient Number of Voluntiers do not turn out,

then the several Companies shall immediately proceed to determine by Ballot who shall go out of each Company, to make up its particular Quota; and the Persons so voted in shall go themselves, or provide able bodied Men to serve in their Stead, and shall be intitled to a Bounty of Fifty Dollars each.

III. And be it further Enacted, by the Authority aforesaid, That if any Company shall refuse to appear and ballot agreeable to this Act, that in that Case the Field Officers shall point out the Men who shall serve. Provided, That it shall not be lawful to vote for any Person who shall produce Certificates of having actually inlisted regular Soldiers, by themselves, or some others for them, to serve in the continental Army, agreeable to the Act passed in May One Thousand Seven Hundred and Seventy Seven, for encouraging the recruiting Service, if such Certificates were granted and obtained fairly and without Fraud, and the Men whose Names are therein mentioned were actually inlisted by or on Account of the Persons claiming such Exemptions, the Proof thereof made agreeable to the Directions of this Act.

IV. And be it further Enacted, by the Authority aforesaid, That each and every Person who shall voluntarily enter or be voted into the Service as aforesaid, shall be intitled to have and receive from the commanding Officer of the County a Pair of Shoes and Stockings, two Shirts, a Hunting Shirt, Waiscoat with Sleeves, a Pair of Breeches and Trousers, a Hat and a Blanket, and Five Yards of Tent Cloth; and every Six Men shall be intitled to have and receive from the said commanding Officer One Axe, and a Pot or Camp Kettle.

V. And in order to procure the Cloathing afore mentioned, Be it Enacted by the Authority aforesaid, That every Company shall furnish and provide One Pair of Shoes and Stockings, Two Shirts, a Hunting Shirt, a Waistcoat with Sleeves, a Pair of Breeches and Trousers, a Hat and a Blanket, Five Yards of Tent Cloth for each and every Man, and One Axe, and a Pot or Camp Kettle, for every six Men raised out of such Company respectively; and the said Articles shall be valued on Oath by Three Freeholders or Householders, who shall grant Certificates of Valuation to the Persons furnishing the same, which Certificates, with Receipts endorsed from the commanding Officer of the County for Delivery thereof, shall be received by the Taxgatherers in Part of Public Taxes: And if any Company shall fail to furnish its Quota of Cloathing, Tent Cloth, Camp Kettles, and Axes, or any Part thereof, the commanding officer of the County shall have Power to cause so much of the property of any Person or Persons belonging to such Company, refusing to furnish his or their quota of the aforesaid Articles, to be seized and sold, as will procure the Cloathing and other Articles wanted, and shall grant Certificates of the Amount, which shall also be received by the Taxgatherers in Part of Public Taxes.

VI. And be it further Enacted, by the Authority aforesaid, That the Brigadier Generals of each District shall take into their Possession, and distribute to the Troops so raised, such Guns as belong to the Public, and are good and sufficient; and in case there should not be Arms for every Man, then, and in that Case, the Colonel or commanding Officer of each County shall purchase Guns for the Men marching from the same, and shall give Certificates to those from whom the Guns are bought; which Certificates, countersigned by the Clerks of the respective Counties, shall be paid by the Treasurer of either District, and allowed in the Settlement of their Accounts with the Public.

VII. And be it Enacted, by the Authority aforesaid, That the Men who shall be raised in Manner aforesaid in the Districts of Halifax, Edenton, New

Bern and Wilmington, shall march to Halifax, and from thence to Petersburg in Virginia, and those who shall be raised in the Districts of Hillsborough and Salisbury, shall rendezvous at Peytonsburg in Pittsylvania, with all possible Expedition, under the command of such continental Officer or Officers as the commanding officer in the continental Service in this State shall appoint for that Purpose; and if there be none such appointed in any County then the commanding Officer of the Militia in such County shall appoint a Person to conduct the Men thereto belonging either to Halifax, or to Peytonsburg in Virginia, as the Case may require, there to be delivered to the continental Officer appointed to receive them, and such Person shall be allowed Captain's Pay and Rations during the Time of his Employment; and the Men who shall be raised in Manner aforesaid, shall serve in the continental Battalions of this State for the Space of Nine Months from the Time that they shall arrive at either of the Places aforesaid, unless sooner discharged, and shall be subject to the same Rules and Discipline and have the same Pay and Rations, as the continental Troops, from the Day of their being voted in or inlisted.

VIII. And be it Enacted, by the Authority aforesaid, That in case any Person so voted in, or voluntarily entering as a Soldier agreeable to the Directions of this Act, shall fail to appear in due Time at the Place of general Rendezvous, or shall desert his Duty during the Time specified in this Act, such Person shall from thenceforward be held and deemed a continental Soldier during the present War, and shall be liable to be taken as such; and every Person who shall voluntarily inlist, or be voted into the Service, in Consequence of this Act, and shall well and faithfully serve as a Soldier, agreeable to the true Intent and Meaning of this Act, shall be free and exempt from serving again as a Soldier for the Space of Three Years next after the Time of his procuring a Certificate of his having served as aforesaid. And if any Person shall harbour or conceal any of the Men who shall voluntarily enter or be voted into the Service as aforesaid, such Person, on Conviction thereof before any Justice of Peace in the County wherein the Offence shall be committed, shall be deemed a continental Soldier, and shall be turned over by the said Justice to a continental Officer, or committed to Gaol for that Purpose, and shall serve for Three Years, or during the War.

IX. And be it Enacted, by the Authority aforesaid, That the Captains of each and every Company shall return descriptive Lists of the Men raised in such Company, specifying the Name, Size, Age, Complection and Occupation, of the Men so raised, and also the Name and Number of the Company from whence they were taken: And the said commanding Officer shall make two fair Copies of such descriptive Lists, one of which he shall deliver to the continental or other Officer appointed to take Charge of the Men, and he shall take a Receipt for the Delivery of the Men on the other.

X. And be it further Enacted, That the Quakers, Dunkers, Moravians, and Menonists, shall furnish Men in Proportion to their respective Numbers in each County, and in Default thereof, the commanding officer of each and every County is hereby impowered to hire Men instead of the Men to be by them furnished, and by Warrant under his Hand, directed to the Sheriff of the County, to levy the Sum given for such Man or Men on the Goods and Chattels, Lands and Tenements, of any Person belonging to such Sect, as shall refuse or fail to find a Man or Men agreeable to this Act.

XI. And be it Enacted, by the Authority aforesaid, That the Men raised in the County of Rowan, and those raised in the County of Guilford, shall have the Liberty of electing two Captains for each County, and the Men raised in New Hanover County and Brunswick shall elect One Captain joint-

ly; and in such Counties as raise more than Fifty Men, the Men so raised shall and may elect a Captain in every County, and in the Counties which raise a smaller Number than Fifty, the Men shall and may elect One Lieutenant for every County; and the Persons so elected, shall be commissioned accordingly by the Governor, and shall march and continue with their respective Companies, with the Rank of Militia, and the Pay and Rations of regular Captains and Lieutenants, during the Time of their continuing in Service.

XII. And be it Enacted, by the Authority aforesaid, That James Roper and William Sheppard be appointed Contractors for the District of Salisbury, Thomas Hart for the District of Hillsborough, to contract for and purchase Provisions, and issue them to the Men raised in the said Districts until their Arrival at Peytonsburg in Virginia; and that William Bennet be appointed for the District of Edenton, Hardy Bryan for the District of New Bern, Thomas Amis for the District of Wilmington, and William Amis for the District of Halifax, for the like Purposes, until the Men raised in the said District respectively shall arrive at Halifax, and then that William Amis be appointed to take Charge of all those who rendezvous at Halifax, and conduct them as far as Petersburg: And the said Contractors, and every of them, shall grant Certificates to the Owners for the Provisions by them respectively furnished, and shall have full Power to seize Provisions of every Kind from any Persons who shall or may have more Provisions than may be necessary for their own Use or Family Consumption, if the Owners shall refuse to sell the same, and shall grant Certificates as aforesaid; and the said Certificates shall be redeemed at the next Session of Assembly: And the said Contractors shall keep regular Accounts of their Disbursements or Purchases, and of all Certificates by them granted, that the Assembly may not be defrauded by Claimants, and may more easily settle with the said Contractors, who shall be allowed One Hundred and Twenty Dollars per Month for their Trouble, over and above all Sums of Money by them expended for the Purposes aforesaid.

XIII. And be it Enacted, by the Authority aforesaid, That the Colonel or commanding Officer of the Militia in each County be, and he is hereby impowered and required, to furnish the necessary Waggons and Carts for marching the Troops raised in such County, agreeable to the Militia Law.

XIV. And be it further Enacted, by the Authority aforesaid, That the Owners of said Waggons shall be allowed Forty Shillings per Day, and Forage and Shoes for their Horses, and every Cart the Sum of Twenty Shillings per Day, with Forage and Shoes for their Horses; and the said Waggons and Carts with Teams, before marching, shall be appraised by Three Freeholders, that in case of Loss or Death, the Owner may be paid for the same.

XV. And be it Enacted, by the Authority aforesaid, That the continental Deputy Paymaster General be, and he is hereby directed to pay the Troops aforesaid; and that his Excellency the Governor be, and he is hereby impowered to grant Warrants on the Treasury to the said Paymaster for the necessary Sums, taking Security for due Application of the same.

CHAPTER II.

An Act for Restraint of Vagrants, and preventing Desertion.

I. Whereas Desertion, and the Evils arising from vagrant ill disposed People, are become too frequent;

II. Be it Enacted by the General Assembly of the State of North Carolina,

and it is hereby Enacted by the Authority of the same, That all able bodied Men who shall be found loitering and neglecting to labour for reasonable Wages, not having Property sufficient to maintain themselves, and all Persons who shall run from their Wives and Children, without leaving suitable means for their Subsistance, and all other idle, vagrant or disorderly Persons, rambling abroad, without betaking themselves to some lawful Employment or honest Labour, or going about begging, shall be deemed Rogues and Vagabonds; and if any such shall be found in any County or Place wandering or gaming, and getting their living by that and other fraudulent Practices, begging or misordering himself or themselves, it shall be lawful for any Justice of the Peace of that County, and he is hereby required, by Warrant under his Hand, to cause such Person or Persons to be brought before him, and to examine and inform himself, as well by the Oath and Examination of the Person or Persons apprehended, as of any other Person, of the Condition and Circumstances of the Person or Persons so apprehended, and if it shall appear to him that he or they come under the Description of Vagabonds within this Act, then the said Justice shall and may cause such Person or Persons to be delivered to some continental Officer immediately, or committed to Gaol, with Directions to the Sheriff or Gaoler for delivering him or them as aforesaid as soon as may conveniently be done.

III. And be it Enacted, by the Authority aforesaid, That the continental Officer to whom any Vagabond shall be delivered in Manner aforesaid, shall enroll the Name of such Vagabond in some Company of the continental Army, and such Vagabond shall then be considered as a Soldier in the continental Army, and be under the same Regulations, Rules and Restrictions, and subject to the same Penalties for Desertion or other Crimes, as other Soldiers in the continental Army: And if such Vagabond shall have left a Wife or Children unprovided with Means of Subsistence, they shall receive from the Treasury of this State the Bounty allowed for Soldiers inlisting voluntarily into the continental Army, to be paid by the Treasurer of the District wherein such Persons shall live, a Certificate being first produced to such Treasurer, from under the Hands of Two Justices, to shew that such a vagabond has actually been delivered over to some continental Officer, and that the Wife or Children claiming such Bounty are left unprovided with Means of subsistence.

IV. And be it further Enacted, by the Authority aforesaid, That if any Person shall harbour, conceal or abet, any Soldier deserting from the Continental Army, the Person so harbouring, concealing or abetting such Soldier, being found guilty thereof, and being an able bodied Man, shall be liable to serve in the continental Army for Three Years, or during the war; and it shall and may be lawful for Two Justices of the Peace in each and every County in this State, by Warrant under their Hands, to cause any Person, being able bodied as aforesaid, and suspected of harbouring, concealing or abetting, any continental Soldier, to be apprehended and brought before them, and to examine Witnesses on Oath relative thereto: And if it shall appear to the said Justices that the Person so apprehending is guilty in Manner aforesaid, they shall cause him to be delivered over immediately, or shall commit him to Gaol, to be delivered over as soon as may be to a Continental Officer, who shall enroll his name in some Company in the Continental Army; and such Offender shall then be considered as a continental Soldier, and be under the same Regulations, Rules and Restrictions, and subject to the same Penalties for Desertion or other Crimes, as other Soldiers in the continental Army.

V. And be it Enacted, by the Authority aforesaid, That if any Person, not

being sufficiently able bodied to serve as a Soldier, shall offend in Manner aforesaid, he or she so offending shall forfeit and pay the Sum of Fifty Pounds, and shall be liable to Imprisonment for Three Months; and it shall and may be lawful for any Two Justices to proceed against the Person so offending as herein before directed, and upon Conviction to cause the Penalty aforesaid to be levied on the Estate of such Person, and also to commit him or her to Gaol, for any Time not exceeding Three Months; and the Money so levied shall be paid to, and accounted for by the Sheriff, in the same Manner as Public Taxes.

VI. And be it further Enacted, by the Authority afoesaid, That if any Person shall apprehend any Deserter from the continental Army, and deliver him to some continental officer, or to the Gaoler of the County or District wherein he shall be apprehended, such Person, on producing a Certificate of the Delivery as aforesaid, shall be intitled to a Claim of Twenty Dollars, and One Shilling for every Mile, according to the Distance from the Place of apprehending to the Place of Delivery of such Deserter.

And whereas Persons inimical to the United States are frequently coming into, or travelling through or about this State, and spreading false and discouraging News; Be it Enacted by the Authority aforesaid ,That from and after the First Day of May next, it shall and may be lawful for any of the Justices or Field Officers of the Militia, and ever of them, and they are hereby required, in their respective Counties, to stop and examine every Person who shall come into, or be found travelling in this State; and if such Person, being a resident of this State, shall not produce a pass from some Justice of Peace in the County from whence he came, certifying his Business, and also a Certificate that he has taken the Oath of Allegiance to this State, it shall and may be lawful for such Justice or Field Officer to order such Person to return to the County from whence he came, and to commit him to Gaol if necessary, until he shall give Bond and Security to comply with the Order, and such Bond shall be taken in the Name of the Governor for the Time being: And if any Person, not a Resident of this State, shall come into, or be found travelling through the same, and shall not on Examination produce a Pass from some Justice of Peace in the State from whence he last came, and also a Certificate from some Justice of Peace in the State from whence he first came, of his having taken the Oath of Allegiance thereto, it shall and may be lawful for any of the Justices or Field Officers, and every of them, in their respective Counties, to order such Person to return to the State to which he belongs, and to exercise the same Powers and Authorities for enforcing such Order, as before provided against Persons resident in this State.

CHAPTER III.

An Act to amend an Act, intituled, An Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned.

I. Whereas it has been found by experience that divers Parts and Clauses in the said Act are defective, so as to require in some Places an Explanation, and in others an Amendment;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That in all Cases where the Quantity of Land surveyed shall fall short of the Entry,

that the Entry Takers for each and every County in this State shall, and they are hereby commanded and required, to refund to every Person who already hath, or hereafter may make any Entry, the exact Deficiency which shall or may appear betwixt the actual Survey and the Entry, on the Return of the said Survey.

III. And be it also Enacted, by the Authority aforesaid, That no Entry Taker for the future shall presume to take or receive the Fees due by Law to the Surveyor, but that the same shall be paid to the Surveyor himself, at the Time he really makes the survey, by the Person requiring such Service; and that all Fees heretofore received by Entry Takers for the Use of any Surveyor, be on Application fairly returned to the Person who made the Entry, and paid such Fees.

IV. And whereas by an Act of this present Session of Assembly it is provided, that Two Thousand Six Hundred and Forty Eight effective Men be immediately called forth from this State into the Service of the United States, for a Space of time therein mentioned; and whereas by Reason of such Service, great Inconvenience and Disappointments may arise to those of them who hath made, or may make any Entry of a Claim for Lands in this State, respecting a Compleation of their Titles: Be it Enacted, and it is hereby Eenacted by the Authority aforesaid, That in all Cases of disputed Claims, where any of the Persons aforesaid, or any other Person in the continental Service from this State, may be a Party, that all Proceedings thereupon be suspended and stopped until the First Day of May, One Thousand Seven Hundred and Seventy Nine, or until the Legislature shall take further Measures thereupon; and every Procedure contrary to the true Intent and Meaning of this Section, is and are hereby declared to be utterly void; and of no Force or Effect in Law, of which all Entry Takers and Surveyors are expressly required to make due Observance.

V. And be it further Enacted, by the Authority aforesaid, That for the future no Person shall presume to enter or survey any Lands within the Indian Hunting Grounds, or without the Limits of the Land heretofore ceded by the Indians, or conquered from them, which Limits Westward are hereby declared to be as follows, that is to say, Beginning at a Point in the dividing Line which hath been agreed upon between the Cherokees and Colony of Virginia, where the Line between that Commonwealth and this State (hereafter to be extended) shall cross or intersect the same; running thence a right Line to the North Bank of the Holston River, at the Mouth of Cloud's Creek, being the second Creek below the Warrior's Ford, at the Mouth of Carter's Valley; thence a right Line, to the highest Point of a Mountain called the High Rock, or Chimney Top; from thence a right Line to the Mouth of Camp Creek, otherwise called McNames's Creek, on the South Bank of Nollechuckie River, about Ten Miles (be the same more or less) below the Mouth of Great Limestone; and from the Mouth of Camp Creek aforesaid, a South East Course, to the Top of the Ridge of the Mountain called the Great Iron Mountain, being the same which divides the Hunting Grounds of the Overhill Cherokees from the Hunting Grounds of the Middle Settlements, and from the Top of the said Ridge of the Iron Mountain a South Course, to the dividing Ridge between the Waters of French Broad River and the Waters of Nollechuckie River; thence a South Westerly Course along the said Ridge, to the great Ridge of the Appellachian Mountains which divide the Eastern and Western Waters; thence with the said dividing Ridge, to the Line that divides the State of South Carolina from this State: And that all Entries and Surveys of Land heretofore made, or which hereafter may be made within the said Indian Boundaries, are hereby declared to be utterly void, and of no

Force or Effect; and the Entry Takers for the Counties of Burke and Washington are hereby strictly commanded immediately to refund to the proper Persons all Sums of Money by them received for the Purpose of any Entry within the Indian Limits as aforesaid, their own Fees for making the Entry included.

VI. And be it also further Enacted by the Authority aforesaid, That no Entry Taker in this State shall be obliged to pay into the Treasury any Sum or Sums of Money by him received, on Account of any Entry of Lands with him made, until the Expiration of Three months after the Date of such Entry; any Law, Usage or Custom, to the contrary notwithstanding.

VII. And be it further Enacted by the Authority aforesaid, That the Surveyors shall run all dividing Lines between Party and Party, according to the Directions they may receive from them, or agreeable to Directions from a Jury, in Cases of contested and disputed Claims, without regarding the cardinal Points; any Law, Usage or Custom, to the contrary notwithstanding.

VIII. And be it further Enacted by the Authority aforesaid, That all Houses and Edifices erected for, and dedicated to the Worship of Almighty God, where the same may have been on vacant or unappropriated Lands, together with Two Acres adjoining the same, shall hereafter be held and kept sacred for Divine Worship, to and for the Use of such Society or Sectary by which the same was originally established.

IX. And be it further Enacted by the Authority aforesaid, That so much of an Act of Assembly, intituled, An Act for opening the Land Office, &c., passed at New Bern in December, One Thousand Seven Hundred and Seventy Seven, which comes within the Purview and Meaning of this Act be, and the same is hereby declared to be repealed and made void, as if the same had never been made.

CHAPTER IV.

An Act to Alter the Times for holding the several Superior Courts of Law, and for the better arranging the County Courts within this State.

I. Whereas the Times for holding the several Superior and Inferior Courts of Law within this State, from Experience, are found to be exceedingly inconvenient: For Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That from and after the First Day of August next, the several Superior Courts of Law shall be held for the several Districts in this State on the following Days, and in the following Places, that is to say, For the District of Salisbury, in the Town of Salisbury, for the Counties of Rowan, Mecklenburg, Tryon, Anson, Surry, Guilford, Burke, Washington, and Wilkes, on the Fifteenth Days of March and September. For the District of Hillsborough, in the Town of Hillsborough, for the Counties of Orange, Granville, Wake, Chatham, and Caswell, on the First Days of April and October. For the District of Halifax, in the Town of Halifax, for the Counties of Halifax, Northampton, Edgecombe, Bute, Martin, and Nash, on the Fifteenth Days of April and October. For the District of Edenton, in the Town of Edenton, for the Counties of Chowan, Perquimans, Pasquotank, Currituck, Bertie, Tyrrell, Hertford, and Cambden, on the First Days of May and November. For the District of New Bern, in the Town of New Bern, for the Counties of Craven, Carteret, Beaufort, Johnston, Hyde,

Dobbs, and Pitt, on the Fifteenth Days of May and November. For the District of Wilmington, in the Town of Wilmington, for the Counties of New Hanover, Onslow, Bladen, Duplin, Cumberland, and Brunswick, on the Thirtieth Days of May and November. And each Term shall continue Ten natural Days, exclusive of Sundays, by Adjournment from Day to Day, if the Business shall require so long Time, but otherwise may be sooner determined. Provided always, That if the Day by this Act appointed for holding any of the said Courts shall happen to fall on a Sunday, then such Court shall be held the next succeeding Day; any Thing herein contained to the contrary notwithstanding.

III. And be it Enacted by the Authority aforesaid, That the several County Courts of Pleas and Quarter Sessions for the County of Wake shall be constantly held on the following Days, to-wit, on the First Mondays in March, June, September, and December, in each Year.

IV. And be it Enacted by the Authority aforesaid, That so much of an Act of Assembly, passed at New Bern the Twenty Fourth Day of December, in the Year One Thousand Seven Hundred and Seventy Seven, intituled, An Act for establishing Courts of Law, and for regulating the Proceedings therein, as comes within the Purview of this Act, is, and are hereby henceforth repealed and made void.

CHAPTER V.

An Act to enforce such Parts of the Statute and Common Laws as have been heretofore in Force and Use here; and the Acts of Assembly made and passed when this Territory was under the Government of the late Proprietors and the Crown of Great Britain, and for reviving the several Acts therein mentioned.

I. Whereas Doubts may arise, upon the Revolution in Government, whether any and what Laws continue in Force here: For Prevention of which,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all such Statutes, and such Parts of the Common Law, as were heretofore in Force and Use within this Territory, and all the Acts of the late General Assemblies thereof, or so much of the said Statutes, Common Law, and Acts of Assembly, as are not destructive of, repugnant to, or inconsistent with the Freedom and Independence of this State, and the Form of Government therein established, and which have not been otherwise provided for, in the Whole or in Part, not abrogated, repealed, expired, or become obsolete, are hereby declared to be in full Force within this State.

III. And be it Enacted, by the Authority aforesaid, That one Act of the General Assembly, made under the late Government, intituled, An Act for the more advantageous and easy manner of obtaining Partitions of Lands in Coparcenary, Joint Tenancy, and Tenancy in Common; one other Act, intituled, An Act to prevent Card Playing, and other deceitful Gaming, passed at New Bern in the Month of December, in the Year One Thousand Hundred and Seventy; also one Act, intituled, An Act for the relief of insolvent Debtors, with Respect to the Imprisonment of their persons, made and passed at New Bern the Sixth Day of March, One Thousand Seven Hundred and Seventy Three, but since repealed by Proclamation; and the following Acts, passed the last Session of Assembly, but which expire with this Session, if not revived, to wit, An Act to prevent hunting with a Gun by Fire

Light in the Night; and An Act to ratify an Act, intituled, An Act for the better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town; also to ratify an Act, intituled, An Act for the better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town; also to ratify an Act, intituled, An Act for amending an Act, intituled, An Act for the better Regulation of the Town of New Bern, and for securing the Titles of Persons who hold Lots in the said Town; be, and are hereby revived, and declared to be in Force, so far as the said Acts are not destructive of, repugnant to, or inconsistent with the Freedom and Independence of this State, and the Form of Government therein established.

CHAPTER VI.

An Act allowing Salaries to the Governor, Secretary, Delegates, Treasurers, and Members of the Council of State, and other Purposes.

I. Whereas it may be necessary, for the Safety of this State, that the General Assembly be convened at other Times or Places than those to which the same may be adjourned, and that the Governor, or Commander in Chief for the Time being, should be authorized, in Case any future Assembly should fail to meet at the Time appointed for that Purpose, to adjourn the said Assembly from Day to Day, until there shall be a sufficient Number of the Members to proceed on Business, agreeable to the Constitution; and whereas in Case the General Assembly fail to meet in the Month of April next, it may be doubtful whether the Authority of the Governor and Council will continue longer than one Year from the Time of their Appointments, unless the same is provided for by Law; and whereas the present increased Price of Provisions, and of every other Necessary, renders it improper to ascertain the Salaries of the Governor, the Secretary, the Delegates in Congress, the Treasurers, and Members of the Council of State, otherwise than by a temporary Provision from Year to Year:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That there shall be paid to his Excellency the Governor the annual sum of Twenty Two Hundred Pounds, in Lieu of all Fees for his Services as Governor of this State; that each of the Members of the Council of State be allowed for each Day they shall be on Duty as Councillors of this State, Forty Eight Shillings; that each of the Delegates in Congress shall be allowed the Sum of Sixteen Hundred Pounds per Annum; that each of the Public Treasurers be allowed the annual Sum of Eight Hundred Pounds, for their Services as Treasurers (which Allowances to the aforesaid Officers shall commence from the Time of their Appointments in this Session of General Assembly respectively) and that the Secretary be allowed the annual Sum of Five Hundred Pounds, to commence from the Date hereof, for his Public Services as Secretary of this State, exclusive of the Fees granted him by an Act of Assembly, intituled, An Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties in this State, for ascertaining the Method of obtaining Titles to the same, and for other Purposes therein mentioned: And that James Davis, the Public Printer of this State, be allowed the annual Sum of Twelve Hundred Pounds, for his Services as Public Printer, to commence from the Beginning of this present Session of Assembly; and the said Printer shall comply with the Rules and Regulations laid down in an Act, intituled,

An Act for appointing a Printer in the Province passed in December, One Thousand Seven Hundred and Sixty Six, which said Act is hereby declared to be in full Force, so far as it respects the Printer; provided that the Laws and Journals for Washington County may be left with the Clerk of Wilkes County.

III. And be it also Enacted by the Authority aforesaid, That in Case any future Assembly should fail to meet on the Time appointed, or to which the same stands adjourned, it shall and may be lawful for the Governor, or Commander in Chief for the Time being, with the Advice of the Council of State, to prorogue the said Assembly from Day to Day, until there shall appear a sufficient Number of Members to proceed on Business, agreeable to the Constitution: And the Governor, or Commander in Chief for the Time being is hereby authorized to call a Meeting of the General Assembly to the Place to which the same stands adjourned at any Time, in Case it should be deemed absolutely necessary by the Council of State.

IV. And be it Enacted by the Authority aforesaid, That in Case the General Assembly should fail to meet in the Month of April, in the Year One Thousand Seven Hundred and Seventy Nine, it shall and may be lawful for the Governor, or Commander in Chief, and the Members of the Council of State, and they are hereby authorized and impowered, to hold and exercise the Power and Authorities vested in a Governor and Council by the Constitution and Laws of this State, until the Meeting of the First General Assembly which may happen after the last Day of April, in the Year One Thousand Seven Hundred and Seventy Nine, as aforesaid, and no longer.

V. And be it Enacted by the Authority aforesaid, That this Act shall continue and be in Force for and during the Space of Twelve Months, and from thence to the End of the next General Assembly, and no longer.

CHAPTER VII.

An Act to establish Rules to be observed in solemnizing the Rites of Matrimony.

I. Whereas it is absolutely necessary that Rules should be observed concerning celebrating the Rites of Matrimony;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all regular Ministers of the Gospel of every Denomination, having the Cure of Souls, and all Justices of the Peace in this State, are hereby authorized and impowered to solemnize the Rites of Matrimony, according to the Rites and Ceremonies of their respective Churches, and agreeable to the Rules in this Act prescribed; and the said Ministers may demand and take for every Couple by them married, if by Licence, the Sum of Twenty Shillings lawful Money of this State, and if by Publication, the Sum of Ten Shillings like Money, to their Use, and no more.

III. And be it further Enacted, by the Authority aforesaid, That the Clerk of each County Court is hereby authorized and impowered to grant Marriage Licences to any Person applying for the same, first taking Bond, in the Name of the Governor for the Time being, and his Successors, with sufficient Security, in the Sum of Five Hundred Pounds lawful Money of this State, with Condition that there is no lawful Cause to obstruct the Marriage for which such Licence is desired, to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by the Party grieved; which Bond afore-

said shall be taken, and Licence granted, by the Clerk of the County in which the Feme resides, which Licence shall be directed to any authorized Minister or Justice of the Peace, and may demand and take the Sum of Sixteen Shillings lawful Money of this State, and no more, for his service in taking Bond and granting Licence as aforesaid.

IV. And be it further Enacted, by the Authority aforesaid, That every Minister of the Gospel, qualified as in this Act before directed, or any other Person appointed by their respective Church as a Reader, is hereby authorized and impowered to publish the Banns of Matrimony between any Two Persons requesting the same, provided that every Publication shall be made Three several Sundays in the Congregation immediately after or during Divine Worship, and shall give a Certificate of such Publication when demanded, directed to any authorized Minister or Justice of the Peace, and may demand and take for his Service the Sum of Four Shillings lawful Money of this State, and no more. Provided, That the People called Quakers shall still retain their former Rules and Privileges in solemnizing the Rites of Matrimony in their own Church, any Thing in this Act contained to the contrary notwithstanding.

V. And be it further Enacted, by the Authority aforesaid, That if any Minister or Justice of the Peace shall knowingly join together in Matrimony any Two Persons, in any Way or Manner other than by this Act directed, shall forfeit and pay for every such Offence the Sum of Fifty Pounds lawful Money of this State; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, one Half to him that shall sue for the same, and the other Half to be applied by the Court to the Use of the County where such Forfeiture ariseth, and be also liable to an Action of Damage to the Party grieved: And if any Clerk shall knowingly grant Marriage Licence, in any Way or Manner other than by this Act directed, he shall forfeit and pay for every such Offence the Sum of One Hundred Pounds lawful Money of this State; to be recovered and applied as other Fines in this Act before directed, and be also liable to an Action of Damage to the Party grieved.

CHAPTER VIII.

An Act to impower the County Courts of Pleas and Quarter Sessions in this State to order the laying off Public Roads, and establish and settle Ferries, and other Purposes therein mentioned.

I. Whereas the Acts of Assembly heretofore in Use, for laying out and repairing the Roads within this State, have been found insufficient to answer the End thereby intended, occasioned principally by the Fines being too small that are imposed on Delinquents: For Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That all Overseers of the Roads who are or shall be hereafter appointed, shall continue in Office, and Do his duty as is hereby directed, for and during the Space of One Year, under the Penal Sum of Ten Pounds Currency of this State; to be recovered by Action of Debt in the County Court where the Delinquent resides, one Half to the Use of him who shall sue for the same, the other towards repairing the Roads and Bridges within the said County. Provided, That no Overseer shall be obliged to serve more than One Year in Three successive Years.

III. And be it further Enacted, That all Persons refusing, when summoned by the Overseers, to attend and do their Duty, shall forfeit and pay the Sum

of Ten Shillings current Money per Day, for every Day he or they shall so neglect or refuse to attend; to be recovered by Warrant from a Justice of the Peace, towards maintaining and keeping in Repair the Road they should have laboured on. Provided also, That the several Persons summoned by the Overseers to work on the Roads as aforesaid, shall not be liable to any Fine for not appearing and doing their Duty, unless they shall be summoned Three Days before the Day appointed for working.

IV. And be it further Enacted by the Authority aforesaid, That an Act, intituled, An Act to impower the Inferior Courts of the several Counties in this State to order the laying out of Public Roads, and establishing and settling Ferries, &c., passed at Wilmington in the Year One Thousand Seven Hundred and Sixty Four, and every Clause and Article of it, except such Parts as are otherwise provided for by this Act, be and continue in full force.

CHAPTER IX.

An Act for procuring a Great Seal for this State.

I. Whereas it is necessary that a Great Seal be procured, to be used by the Governor for the Time being as the Seal of this State;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That William Tisdale, Esq., be, and he is hereby appointed to cut and engrave a Seal, under the Direction of his Excellency the Governor, for the Use of the State; and the said Seal, when engraved, shall be called the Great Seal of the State of North Carolina, and shall be used and affixed by the Governor for the Time being to all Grants, Proclamations, and other Public Acts of the executive Authority of this State.

CHAPTER X.

An Act to compel the late Officers of the Militia in this State to account for and pay to the succeeding commanding Officers all Monies in their Hands arising from the Fines of Delinquents.

I. Whereas many Officers of the Militia have collected large Sums of Money by Virtue of the Law as Fines on Delinquents, and refuse or neglect to account for the same;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful for the commanding officer in each County within this State, and he is hereby required, to issue Citations to all or any of the late Officers whom he may suspect to have Money in his or their Hands arising from the Fines on Delinquents, to appear at the succeeding Court Martial, and fully account upon Oath for all Monies by him or them collected as aforesaid.

III. And be it further Enacted, by the Authority aforesaid, That if any Person cited as aforesaid, at least Ten Days before the sitting of the Court Martial, and shall refuse or neglect to appear, or appearing, refuse to account for and pay into the Hands of the President of the Court Martial, all Sums of Money in their hands collected from Fines as aforesaid, such Persons neglecting or refusing on such Citation, due proof being made thereof, shall forfeit

and pay the Sum of One Thousand Pounds; to be recovered by the President of the Court Martial, who is hereby required and directed to sue for the same, by Action of Debt, in any Court of Record having Cognizance thereof, the one Half for the Use of the County, towards lessening the County Tax, and the other Half to be applied as other Fines directed by the Militia Law.

IV. And be it Enacted, by the Authority aforesaid, That the commanding Officer of each County in this State shall lay before the Court Martial in his County once in every Year, a true Account of all the Fine Money in his Hands, and the Disbursements, shewing the Quantity of Arms by him purchased, and how they are disposed of; and in case of Neglect or Refusal of any of the said commanding Officers, he shall forfeit and pay the Sum of Five Hundred Pounds; to be recovered by Action of Debt, in any Court of Record having Cognizance thereof, by any of the Militia Officers within the County where he resides, to be applied as other Fines in this Act directed.

CHAPTER XI.

An Act to amend an Act, intituled, An Act to regulate the Pilotage of Cape Fear and Occacock Bars, and the Rivers leading from the same to Brunswick, Wilmington, New Bern, Bath, and Edenton.

I. Whereas the Allowances made for piloting Vessels over Occacock Bar, and through the Swash to New Bern and Edenton, as directed in an Act of Assembly, intituled, An Act to regulate the Pilotage of Cape Fear and Occacock Bars, and the Rivers leading from the same to Brunswick, Wilmington, New Bern, Bath and Edenton, is found to be insufficient for the Services to be performed, and for the Dangers attending the same; and whereas very great Damage hath arisen to this State, by Persons who are not authorized by Law taking Charge of Vessels as Pilots, and by Ignorance, or with Design, causing such Vessel to be wrecked and destroyed: Therefore, to prevent such Abuses for the future,

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the Authority thereof, That from and after the First Day of June next, it shall not be lawful for any Person resident in, and having heretofore acted as a Pilot at Occacock Bar, to take Charge of or attempt to pilot any foreign Vessel over Occacock Bar, or into any Port or Inlet in this State, unless such Person shall previously have obtained a Branch or Licence from the Commissioners of the Navigation, agreeable to the Directions of the before recited Act of Assembly: And in Case any Person shall offend herein, and any Damage should happen to the Vessel, or to any part of the Cargo on Board, after such Person shall so take Charge of, or pretend to act as a Pilot on Board the same, and before such Vessel shall be safely moored in some Harbour within this State, the Persons so offending shall suffer Six Months Imprisonment, without Bail or Mainprize, and shall also forfeit and pay to the Party Injured, or to the Informer, as the Court may order, the Sum of One Thousand Pounds lawful Money of this State, with Costs of Suit: to be recovered by Bill, Plaint, or Information, in any Court of Record in this State having Cognizance thereof; and such person shall also be liable to sech other Pains and Penalties as the Law directs.

III. And be it further Enacted, by the Authority aforesaid, That no Inhabitant of this State shall act as a Pilot, or take Charge of, or attempt to conduct any Vessel over Occacock Bar, or into any of the Inlets in this State, for Fee or Reward, unless such Person shall have obtained from the Com-

missioners of Navigation a Branch or Licence for that Purpose, under the Penalty of Five Hundred Pounds current Money of this State, to be recovered and applied in the Manner by this Act hereby heretofore directed. Provided nevertheless, That it shall and may be lawful for any Person to aid and assist in saving any Vessel which may be in Distress, and also to take and receive after the Danger is over, any Reward which the Owner or Master of such Vessel shall then voluntarily give such Person, as a Compensation for his Service, and no more.

IV. And in order to encourage such good Men as are capable and willing to act as Pilots under the Direction of the Commissioners, and agreeable to the before recited Act of Assembly, intituled, An Act to regulate the Pilotage of Cape Fear and Occacock Bars, and the Rivers leading from the same to Brunswick, Wilmington, New Bern, Bath, and Edenton: Be it Enacted by the Authority aforesaid, That from and after passing this Act, it shall and may be lawful for the Pilots who shall obtain Branches agreeable to the Directors of the last mentioned Act of Assembly, to take and receive for piloting in over Occacock Bar to Beacon Island Road, or any other Road or Harbour where Vessels usually anchor at, for every Vessel drawing Nine Feet or under, Twenty Shillings per Foot; and from Nine to Eleven Feet, Twenty Five Shillings per Foot; and from Eleven feet and upwards, Thirty Shillings per Foot; and for the piloting such Vessels outward bound over the Bar, the one Half of the aforesaid Rates, Respect being had to the Draught of Water such Vessel shall draw. And the Pilotage from the lower Road to New Bern shall be Twelve Shillings per Foot, and from New Bern to the lower Road the same; and the Pilotage from the lower Road to Edenton shall be Twenty Shillings per Foot, and from Edenton to the lower Road the same, exclusive of the Pilotage granted by an Act of Assembly, passed in the Year One Thousand Seven Hundred and Seventy Seven, intituled, An Act to regulate the Pilotage of Cape Fear and Occacock Bars, and the Rivers leading from the same to Brunswick, Wilmington, New Bern, Bath, and Edenton.

CHAPTER XII.

An Act to prohibit the Exportation of Beef, Pork, Bacon, and Indian Corn.

I. Whereas the Scarcity of Provisions in this State renders it necessary to lay an Embargo on the Exportation of Beef, Pork, Bacon, and Indian Corn;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, no Beef, Pork, Bacon, or Indian Corn, shall be exported out of this State, by Land or by Water, by any Person whatever, except only such as shall be sent thereout for the support of the continental Army, or of any Troops sent out of this State, by the Agents, Contractors or Commissaries, acting under Appointments from this State, or the United States, or any of them, and except also such Quantity as may be necessary for the Crew of any Vessel going out upon a Voyage or Cruize, and such as may be purchased by the Agents of the United States, or any of them, as Sea Stores for any Vessels failing on a Voyage or Cruize in the Service of the said United States, or any of them: And any Person who shall export, or endeavour to export, any Beef, Pork, Bacon, or Corn, contrary to this Act, by Water, shall forfeit the Provisions so endeavoured or attempted to be exported, and the Vessel wherein the same shall be found; and the several

Naval Officers in their respective Ports, and the Justices of Peace in the Counties contiguous to Navigation, are hereby authorized and expressly required to seize the same in the Name of this State, and upon Recovery had, such Provisions and Cargo shall be sold, and the Money arising from the Sale applied, one Half to the Use of the State, the other Half to the Use of the Person suing for the same: And any Person who shall export, or attempt to export, any Beef, Pork, Bacon, or Corn, by Land contrary to this Act, shall upon Conviction forfeit and pay double the Value of such Provision; to be recovered by, and to the sole Use of any Person who shall sue for the same, in any Court having Cognizance thereof.

III. And be it further Enacted, by the Authority aforesaid, That if any Justice of Peace, from his own Knowledge, or the Information of others, shall have just Cause to suspect that any Pork, Beef, Bacon, or Corn, is about to be carried out of this State contrary to this Act, he may issue his Warrant for seizing the same; and if the Owner shall not give Security within Twenty Days after such Seizure, that he will not carry or send the same out of this State, such Justice may either retain such Provisions for Public Use, or cause the same to be sold at Public Vendue, for the Benefit, and at the Expence of the Owner: And this Act shall be in Force until the next Session of General Assembly, and no longer.

CHAPTER XIII.

An Act more effectually to punish the Persons concerned in any of the several Species of counterfeiting in this State.

I. Whereas the Law to prevent forging or counterfeiting the Lottery Tickets of the United States and for other Purposes therein mentioned, has by Experience been found insufficient to answer the laudable Purposes therein mentioned: For Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, if any Person shall forge, counterfeit or alter, or cause to be forged, counterfeited or altered, any of the Public Bills of Credit emitted by the Congress of the said United States, or any of the bills of credit emitted by any Congress, Convention, or Assembly of this State, or any of the Bills of Credit emitted and made current by any Congress, Convention or Assembly, of any one of the said United States, or any of the Lottery Tickets of the United States, or any Certificates from the Loan Office of this State, or of the United States, or any of them, or shall forge, counterfeit or alter, any Part of the said Bills of Credit, Lottery Tickets, or Loan Office Certificates, or any of them, or shall pass, or offer to pass, any such forged, counterfeited or altered, Bills of Credit, Lottery Tickets of the United States, or Tickets from the Loan Office of this State, or of the United States, or any of them, knowing the same to be so forged, counterfeited or altered, the Person so offending, and being convicted thereof, or standing mute, or peremptorily challenging more than Thirty Five Jurrors, shall be adjudged guilty of Felony, and shall forfeit his or their Lands and Tenements, Goods and Chattels, to the Use of the State, and shall suffer Death as a Felon, without the Benefit of Clergy.

CHAPTER XIV.

An Act for ascertaining Sheriffs and Constables Fees in this State.

I. Whereas the Fees heretofore allowed by Law to Sheriffs and Constables are found inadequate to their Services: For Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful for the several Sheriffs within this State to have and receive the following Fees, to-wit, For every Arrest, Eight Shillings. For taking Bail Bond, One Shilling and Six Pence. For serving a Copy of a Declaration, Two Shillings. For whipping any Person, Four Shillings. For serving a Subpoena, for each Person named in such Subpoena, four Shillings. For pilloring any Person, Eight Shillings. An Attachment as for an Arrest, and if further Trouble by moving Goods, to be taxed by the Court. Executing a Warrant of Distress, or an Execution against the Body or Goods, if not above Ten Pounds, for each Pound One Shilling and Six Pence, if above Ten Pounds, for each Pound above, One Shilling. Summoning, impanelling, and attending on every Jury in every Cause, Eight Shillings. When a special Venire shall issue by Order of Court, Two Shillings. Putting any Person in the Stocks and releasing, four Shillings. For every Commitment or Mittimus, Four Shillings. A Releasement, Four Shillings. Serving a Writ of Possession of Land, Eight Shillings. Waiting on any Person on a Habeas Corpus, per Day, Four Shillings. Calling every Action each Court, One Shilling. Summoning the Jury on a common Venire, in every Cause, One Shilling. Imprisonment for Felons or Debtors, or any other Person, for each Prisoner per Day, for finding One Pound of wholesome Bread, one Pound of wholesome roasted or boiled Flesh, and not less than two Quarts of Fresh Water, and every other necessary Attendance, and keeping the Prison clean, Three Shillings. If the Prisoner finds himself Victuals and Drink, then the sheriff shall take but Eight Pence.

III. And be it further Enacted, by the Authority aforesaid, That it shall and may be lawful for every Constable within this State to ask and receive the following Fees, to-wit, For every Warrant executed, Four Shillings. For every Subpoena, One Shilling and Six Pence. For every Execution executed, Four Shillings; and so at the same Rate for every Person where there shall be more than one mentioned in each Warrant, Subpoena, or Execution. For every Attachment, Four Shillings. For summoning a Jury of Inquest, for every Juror, One Shilling. For summoning Evidences on the Trial of Warrants, for every Person summoned, One Shilling and Six Pence. For attending at any Superior or County Court, if summoned by the Sheriff, per Day, Eight Shillings, to be paid out of the County Tax where such Courts shall be held.

CHAPTER XV.

An Act for repairing Fort Johnston, near the Entrance of Cape Fear River.

I. Whereas the repairing Fort Johnston, near the Entrance of Cape Fear River, so as to render the same a safe Harbour against the Enemy for all Ships and Vessels trading to America, would tend to greatly encourage Foreigners, as well as the Subjects of these States, to adventure their Property at Sea;

II. Be it therefore Enacted by the General Assembly of the State of North

Carolina, and it is hereby Enacted by the Authority of the same, That Col. William Dry, Richard Quince, Sen., Henry Toomer, and Robert Ellis, be, and they are hereby appointed Commissioners for repairing the said Fort, and that they cause the same to be repaired, and put in a State of Defence, with the greatest Dispatch in their Power.

III. And for defraying the Expence of such Reparations, and furnishing the said Fort with a few Cannon, and other necessary Implements of War; Be it further Enacted by the Authority aforesaid, That a Sum, not exceeding Five Thousand Pounds, shall be paid out of the Public Treasury of this State into the Hands of said Commissioners, who shall give Security to account for the same on Oath to the next General Assembly to be held for this State.

IV. And be it further Enacted by the Authority aforesaid, That the said Fort shall be garrisoned by One Captain, Two Lieutenants, Two Serjeants, One Drummer, One Fifer, and Thirty Five Privates, who shall be intitled to the same Pay, Rations and Emoluments, as Troops in the continental Service.

CHAPTER XVI.

An Act for quieting and securing the Tuscarora Indians, and others claiming under the Tuscaroras, in the Possession of their Lands.

I. Be it Enacted, by the General Assembly, and it is hereby Enacted by the Authority of the same, That Withmell Tuffdick, Chief or Headman of the Tuscarora Nation, and the Tuscarora Indians, now living in the County of Bertie, shall have, hold, occupy, possess and enjoy, all the Lands lying in the County of Bertie aforesaid, whereof they are now seized and possessed (being Part of the Lands hertofore allotted to the Indians aforesaid by solemn Treaty, and confirmed to them and their Successors by Act of Assembly, in the Year One Thousand Seven Hundred and Forty Eight) without Let, Molestation, or Hindrance, clear of all Quitrents, or any Public Demand by Way of Tax whatever, to them the said Tuscarora Indians, and their Heirs and Successors; and that they the said Tuscaroras, and their Heirs and Successors, shall for ever be clear and exempt from every Kind of Poll Tax.

II. And whereas the said Tuscarora Indians, by Nature ignorant, and strongly addicted to drinking, may be easily imposed on by designing Persons, and unwarily deprived of their said Lands; Be it Enacted by the Authority aforesaid, That no Person, for any Consideration whatever, shall hereafter purchase, buy or lease, any Tract or Parcel of Land now claimed by, or in Possession of the said Tuscarora Indians, or any of them; nor shall any Person settle on or cultivate the said Lands, or any Part thereof, in his own Right, or under Pretence as acting as Overseer for the Indians; and if any Person shall hereafter purchase, buy or lease, any Lands of the said Indians, or settle on or cultivate any Part thereof, in his own Right, or as Overseer for the Indians, all such Purchases, Sales, Leases and Agreements, shall be, and they are hereby declared null and void; and the Person so purchasing, buying or leasing, settling on, or cultivating the said Lands, or any Part thereof, shall forfeit and pay the Sum of Three Hundred Pounds current Money for every Hundred Acres by him so purchased, bought or leased, settled on or cultivated as aforesaid, one Half to the Use of the said Tuscarora Indians, the other to the Use of him or her who shall sue for the same; to be recovered by Action of Debt, Bill, Plaint, or Information, in any Court having Cognizance thereof. Provided, That the said Tuscarora In-

dians may sell or dispose of their Lands, or any Part thereof, with Consent of the General Assembly first had and obtained.

III. And whereas the Chieftains and Headmen of the Tuscarora Nation living in the County, did on the Twelfth Day of July, in the Year One Thousand Seven Hundred and Sixty Six, for the Consideration of Fifteen Hundred Pounds to them paid by Robert Jones, Jun., William Williams, and Thomas Pugh, by Indenture under their Hands and Seals, demise, grant, and to Farm let, unto the said Robert Jones, William Williams, and Thomas Pugh, a certain Tract of Land lying in the County aforesaid, containing about Eight Thousand Acres, more or less, bounded as follows, to-wit, Beginning at the Mouth of Deep Creek, otherwise called Falling Run; thence running up the said Creek, to the Indian Head Line; thence by the said Line South, Seventeen Degrees East, Twelve Hundred and Eighty Poles; thence a Course parrellel with the general Current of the said Creek, to Roanoke River; and then up the River to the Beginning; together with the Appurtenances thereto belonging, to be held and enjoyed by the said Robert Jones, William Williams, and Thomas Pugh, their Executors, Administrators, and Assigns, in Severalty, for and during the Term of One Hundred and Fifty Years, as may more fully appear by the said Indenture, registered in the County Court of Bertie aforesaid, and ratified by Act of Assembly, passed at New Bern in the Year One Thousand Seven Hundred and Sixty-Six; Be it Enacted by the Authority aforesaid, That each and every of the Persons intitled to claim under the Demise afore mentioned, or by Grants from the Persons claiming under the same, or either of them, and their Heirs and Assigns, shall and may have, hold, occupy, possess and enjoy, the several Shares, Dividends, or Parcels of the said Land to them belonging, in as full, free, and absolute Manner, and with the same legal Privileges and Advantages, in every Respect, and subject to the same Taxes, as if the said Land had been originally granted to the said Robert Jones, William Williams, and Thomas Pugh, by Lord Granville, or by this State.

IV. And whereas the said Tuscarora Indians, for good and sufficient Reasons, and for valuable Considerations, have since the Twelfth Day of July, One Thousand Seven Hundred and Sixty Six, and previous to the First Day of December last, demised, granted, and to Farm let, sundry Tracts or Parcels of Land lying in said County of Bertie, to sundry Persons, as by Indentures duly executed may more fully appear; Be it Enacted by the Authority aforesaid, That all the Lands contained in the last mentioned Demises, if the said Demises were fairly, bona fide, and without Fraud, made by, and obtained from the said Tuscarora Indians, since the Year One Thousand Seven Hundred and Sixty Six, and previous to the First Day of December last past, shall not be deemed vacant Lands, or be liable to be entered as such in the Land Office, unless the General Assembly shall hereafter so direct, but nevertheless shall be subject to the same Taxes as other Lands in this State are liable to.

V. And whereas it is suggested by the said Tuscarora Indians that unfair Dealing has been used in obtaining one or more of the Demises afore mentioned, and they the said Indians have at present no Mode for obtaining Redress in such Cases: Be it therefore Enacted by the Authority aforesaid, That the Commissioners herein after mentioned, or a Majority of them, shall and may, upon Complaint of the said Tuscarora Indians, in Court or Meeting assembled, that any Person or Persons has or have unfairly or fraudulently obtained any Grant or Demise for Lands to them belonging since the Year One Thousand Seven Hundred and Sixty Six, and previous to the First Day of December last, summon the Person or Persons so complained against,

or cause him or them to be summoned, to appear before them on a certain Day on the Land in Dispute (giving at least Ten Days Notice previous to the Day in such Summons appointed) then and there to answer the Complaints of the Indians for having fraudulently or unfairly obtained a Grant or Demise of the Land in Question; and shall also summon, or cause to be summoned, a Jury of Twelve Men, being Freeholders in the said County of Bertie, and not resident on, or Owners of any Lands purchased of the said Tuscarora Indians: And the said Commissioners, or a Majority of them, shall attend at the time and Place appointed, with the Jury aforesaid, and having first sworn the Jury to try and determine fairly between the said Indians and the Person or Persons complained against, shall and may cause Witnesses to be examined on both Sides, and receive the Verdict of the Jury, and return the same, with the Pannel, to the next County Court of the said County of Bertie, to be entered upon Record, and such Verdict shall be as good and effectual as if obtained in any Court of Record; and if the same be general, the said Commissioners, or a Majority of them, shall and may appoint one or more Person or Persons to carry the same into Execution; but if special, then the Court shall decide thereon, and cause the Sheriff of the County to carry such Decision into Execution.

VI. And whereas the said Indians are often injured by Horses, Cattle and Hogs, driven on their Lands by the white People, the said Horses, Cattle and Hogs, breaking into their Inclosures, and destroying their Corn and other Effects, and are also frequently deprived of their Property, and abused by ill disposed Persons: For Remedy whereof, and also for Recovery of Rents or Demands now due, or which may hereafter become due and owing to the said Tuscarora Indians; Be it Enacted by the Authority aforesaid, That William Williams, Thomas Pugh, Willie Jones, Simon Turner, and Zedekiah Stone, be and they are hereby appointed Commissioners for the said Indians; and they, or any Three of them, shall and may inquire into Complaints made by the said Indians, summon the persons complained against before them, and award such Restitution and Redress as to them shall seem just and necessary; and may appoint an Officer or Officers to serve Subpoenas, and to execute such Awards and Determinations as they shall or may make in Regard of the Premises: And the Court of the said County of Bertie is hereby authorized and required to fill up, from Time to Time, by new Appointments, any Vacancies which may happen among the Commissioners, by Death or Resignation; and upon Complaint of the Chief or Headman of the Nation, and the Rest of the Indians, in Court of Meeting properly assembled, against any one of the Commissioners for Misbehaviour, may inquire into the Conduct of the Person or Persons complained against, remove him or them, if necessary, and appoint another or others in his or their Stead.

VII. And be it further Enacted by the Authority aforesaid, That the Lands leased by the said Tuscarora Indians to Robert Jones, Jun., William Williams, and Thomas Pugh, and to other Persons, shall revert to, and become the Property of the State, at the Expiration of the Terms the several Leases mentioned, if the said Nation be then extinct: And the Lands now belonging to, and possessed by the said Tuscaroras, shall revert to, and become the Property of the State, whenever the said Nation shall become extinct, or shall entirely abandon or remove themselves of the said Lands, and every Part thereof. Provided, That no Person shall have any Preference of Entry to any of the said Lands by Virtue of any Lease or Occupancy whatsoever since December, One Thousand Hundred and Seventy Six, whenever the General Assembly shall declare the said Lands to be vacant.

CHAPTER XVII.

An Act for fortifying Cape Lookout Bay.

I. Whereas the fortifying Cape Lookout Bay, so as to render the same a safe Harbour against the Enemy for all Ships and other Vessels trading to America, and especially to this State, would tend greatly to encourage Foreigners, as well as the Subjects of these States, to adventure their Property at Sea; and as from the natural Strength and Advantages of the surrounding Grounds of the said Bay and Harbour, the same may be made at a small Expence sufficiently strong to answer the great and important Ends aforesaid:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That Christopher Neale, John Easton, and William Thompson, be, and they are hereby appointed Commissioners for erecting a Battery and Fortification at the said Bay and Harbour of Cape Lookout, and that they cause the same to be erected and put in a State of Defence with the greatest Dispatch in their Power, receiving at the same Time all such Aid and Assistance as Captain Cottineau, Commander of the French Frigate Ferdinand, now lying in the Bay of Cape Lookout aforesaid, shall offer and freely contribute.

III. And for defraying the Expence of building the said Fortification, and furnishing the same with necessary Cannon, and other Arms and Implements of War; Be it further Enacted by the Authority aforesaid, That a Sum, not exceeding Five Thousand Pounds, shall be paid out of the Public Treasury of this State into the Hands of said Commissioners, who shall give Security to account for the same on Oath to the next General Assembly to be held for this State.

IV. And be it further Enacted, by the Authority aforesaid, That the said Fortification shall be garrisoned by One Captain, Two Lieutenants, Two Serjeants, One Drummer, and Fifty Privates, who shall be intitled to the same Pay, Rations and Emoluments, as Troops in the continental Service are.

CHAPTER XVIII.

An Act for appointing Commissioners to build a Bridge across Cotentney, and for Other Purposes therein Mentioned.

I. Whereas an Act, intituled, An Act to Invest the Property of a Bridge across Cotentney Creek in John Peacock, his Heirs and Assigns, for the Space of Twenty Five Years, passed in the Year One Thousand Seven Hundred and Fifty One, is ceased; and whereas the Assigns of the said Peacock, the Year before the expiration of the said Twenty Five Years, rebuilt the said Bridge, for the Purpose of receiving Toll from Travellers and others passing over the said Bridge, after the Expiration of the said Term, and hath accordingly received from the Public very considerable Sums of Money for the Soldiery and Public Waggons passing over the said Bridge, as appears from the different Allowances from the Council of Safety and General Assembly for that Purpose, and still continue to receive the same from individuals, so that the Money received for Toll since the Expiration of the Time hath abundantly more than reimbursed every expense attending the building the said Bridge; and whereas the Creek whereat the said Bridge stands hath for many Years past been fordable Six Months in

the Year, and in order to accumulate the Toll thereof, since the Expiration of the Time large Trees have been fell on each Side of the said Bridge, to precent fording the Creek as usual, to the great injury of the Public:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That if the Assigns of the said Peacock shall hereafter ask, demand or receive, any Toll from any Person or Persons for crossing or passing over the said Bridge, or for any Waggons, Carts, Horses, Cattle, Hogs or Sheep, knowingly, passing over the said Bridge, such person so offending shall forfeit and pay the Sum of Five Pounds for every Toll so received; to be recovered before any Justice of the Peace by any Person who shall prosecute for the same.

III. And whereas it is necessary that a Bridge should be built across the said Creek, for the Benefit of Travellers, and others, and the Inhabitants adjacent thereto being desirous of building the same at their own Expense, provided it be free from all Toll; Be it therefore Enacted, That William Speight and Thomas Edmondson, Esqrs., be, and they are hereby appointed Commissioners for erecting and building a Bridge over the said Creek, at the Place where the said Bridge now stands; and that they be empowered to take Subscriptions from the inhabitants who shall be willing to subscribe towards building the same, and to enforce the Payment thereof.

IV. And for the better erecting and finishing the said Bridge, Be it Enacted by the Authority aforesaid, That it shall and may be lawful for the Commissioners, or the Person or Persons who shall undertake to build the said Bridge, to make Use of such Timber on the Lands of any Person whatso ever as may be most convenient and necessary for the said Bridge, without Impeachment of Waste therefor.

V. And whereas the Bridge built by the Assignees of the aforesaid Peacock will be useful to the Publick until a new Bridge can be erected; Be it therefore Enacted, That the Commissioners hereinbefore named shall have full Power and Authority to treat with the present Owners of the said Bridge, and to purchase the same at such reasonable Price as may be agreed on, and to apply so much of the Money to be subscribed as aforesaid to the Purpose of discharging such Contract as they may make for the Purchase of the said Bridge; any thing herein contained to the contrary notwithstanding.

CHAPTER XIX.

An Act to Prevent the Stopping the Fish in the Yadkin River.

I. Whereas divers Persons Inhabitants near the said River have heretofore made a Practice of stopping the same, by building Wares, Dams, or Hedges, with Design to catch Fish, whereby great injury is done to the good People resident above such Wares, Dams, or Hedges aforesaid: For Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Corolina, and it is hereby Enacted by the Authority of the same, That from and after the Ratification of this Act, it shall not be lawful for any Person or Persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, any Ware, Dam, or Hedge in the said River, so as to extend more than two Thirds across the same; but that all Stoppages shall be so made in the said River as to leave one third Part open and free for the Passage of Fish.

III. And be it further Enacted, by the Authority aforesaid, That any Per-

son or Persons who shall offend against this Act, shall forfeit and pay, for every such Offence, the Sum of Twenty Pounds; to be recovered by Action of Debt by any Person who shall sue for the same, to his, her, or their own proper Use.

CHAPTER XX.

An Act for securing Lots in the Town of Tarborough, in Edgcomb County.

I. Whereas by an Act of Assembly, passed in the Year One Thousand Seven Hundred and Sixty, intituled, An Act for establishing a Town on the Lands of Joseph Howell, on Tar River, it is provided that the Grantee of every Lot in the said Town shall within Three Years after obtaining a Conveyance for the same, erect and finish thereon a House of the Dimensions therein specified, and on Failure thereof, every Lot whereon such House shall not be erected, shall be reverted in the Directors of the said Town by the said Act appointed; and whereas the Time limitted in the said Act has been found too short to compleat the Buildings on the said Lots;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That every Grantee of any Lot or Lots in the said Town that has not been improved agreeable to the said Act, is hereby declared to be the proper Owner, and shall still retain his or her former Title in and to such Lot or Lots, in Fee Simple, any Thing in the aforesaid Act contained to the contrary notwithstanding; provided such Grantee shall within Five Years next after passing this Act erect and finish a House on Such Lot of the Dimensions in the said Act specified, or other Improvements made thereon, which shall be deemed by the Commissioners of the said Town equal therto.

III. And whereas the former Directors and Trustees for the said Town have wholly declined acting, Be it therefore Enacted by the Authority aforesaid, That Robert Bignal, Edward Hall, and Henry Irwin Toole, Esquires, Mr. James Hill, and Mr. William Renn, are hereby constituted and appointed Directors or Commissioners for the said Town, and are hereby invested with as full Powers and Authorities, to all Intents and Purposes, as the former Directors and Trustees were.

IV. And as there were more Lots in the said Town reserved for Public Uses than is necessary for that Purpose, be it therefore Enacted by the Authority aforesaid, That the said Commissioners for the said Town, or a Majority of them, are hereby authorized, required and impowered, within Eight Months after the passing of this Act, to sell and dispose of at public Sale all such Lots, excepting Two for the Use of the Court-House and Prison, for the most they can get for the same, and make Deeds of Sale for the said Lots to the Purchasers, their Heirs and Assigns, and to dispose of the Money so arising from such Sale in paying the Costs of laying out and erecting the said Town, and such other necessary Uses for the Benefit of the said Town as they, or a Majority of them, shall think proper.

CHAPTER XXI.

An Act for building a Court-House in the Town of Hillsborough, for the District of Hillsborough.

I. Whereas the Court-House in the Town of Hillsborough, in the County of Orange, is greatly decayed, and in so ruinous a Condition, that Courts cannot with any Degree of Convenience be held therein;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted Authority of the same, That John Williams (of Granville) Theophilus Hunter, Ambrose Ramsay, William Courtney, Nathaniel Rochester, and James Saunders, Esquires, be, and they are hereby appointed Commissioners, and they, or a Majority of them, shall and may, and they are hereby required, within Twelve Months after the passing of this Act, to agree and contract with Workmen for building and erecting a new Court-House in the Town of Hillsborough, on the Lot of Ground whereon the Court-House now stands.

III. And be it further Enacted, by the Authority aforesaid, That Eight Pence per Hundred Pounds be levied on the taxable Property in the County of Orange, and Eight Pence on all taxable Persons in said County who are not possessed of property of One Hundred Pounds Value, and Four Pence per Hundred Pounds be levied on all the taxable Property in the Counties of Granville, Wake, Chatham, and Caswell, and Four Pence on all the taxable Persons in the Four last mentionel Counties, who are not possessed of Property of One Hundred Pounds value, for Three Years, that is to say, the Year One Thousand Seven Hundred and Seventy Nine, One Thousand Seven Hundred and Eighty, and One Thousand Seven Hundred and Eighty One, to be collected in the same Manner, and at the same Time, as the Taxes directed to be collected by An Act for levying a Tax by Assessment, and other Purpoes, which Tax so collected shall be paid by the Collector of each County to the Commissioners for their respective County, on or before the First Day of February in each Year aforesaid; and the said Commissioners, or a Majority of them, are hereby impowered to apply the Money arising by Virtue of this Act to the Purposes herein intended.

IV. And be it further Enacted by the Authority aforesaid, That each Collector, before entering upon the Execution of his Office, shall enter into Bond, with approved Security, to the Commissioners of his respective county, for the faithful collecting and paying of the Tax aforesaid.

V. And be it further Enacted, by the Authority aforesaid, That the Commissioners shall enter into Bond, with approved security, to the Chairman of their respective County Courts for the Time being, for the faithful applying and accounting for all such Sum or Sums of Money which they may receive in and by Virtue of this Act.

VI. And be it further Enacted by the Authority aforesaid, That in Case the Money arising by this Act should be more than sufficient to compleat the Building aforesaid, then the Surplus shall be refunded to the County Courts of the different Counties, in Proportion to their several Quotas.

CHAPTER XXII.

An Act to amend an Act, intituled, An Act for erecting Part of the County of Surry, and Part of the District of Washington, into a separate and distinct County, by the Name of Wilkes.

I. Whereas the Commissioners for the County of Wilkes in the above Act were not impowered to build the Court-House, Prison and Stocks, in any Part of the County where they might think most convenient and proper: For Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That George Morris, John Parks, George Gordon, John Witherspoon, John Baston, Francis Heartgrave, and Rowland Judd, be, and they are hereby appointed Commissioners for said County of Wilkes; and they, or a Majority of them, are hereby invested with full Power and Authority to agree and contract with Workmen to build a Court-House, Prison and Stocks, in any Part of the County where they may think the most proper and convenient.

CHAPTER XXIII.

An Act to amend an Act, intituled, An Act for establishing a Town in Mecklenburg County, passed in the Year One Thousand Seven Hundred and Sixty Eight.

I. Whereas the Commissioners for said Town, which is called by the Name of Charlotte, were only impowered by the recited Act to lay out One Hundred Acres into a Town, and such Lots so laid out being all sold, and most of them well improved by good Buildings, and being well situated for inland Trade, and the Situation being pleasant and healthy, has induced our Legislature to establish an Academy in said Town, by the Name of Liberty Hall, and many Persons being induced thereby to settle in the said Town, for the more convenient Education of their Children, it therefore becomes necessary to enlarge the said Town, and there still remains in the Hands of said Commissioners Two Hundred and Sixty Acres belonging to said Town; Therefore,

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the Authority of the same, That from and after the passing of this Act, it shall and may be lawful for the Commissioners of said Town to lay out Eighty Lots more, to be laid out as the Commissioners, or a Majority of them, shall think most convenient, and in the same Manner, and under the Direction of the Act above recited.

III. And be it further Enacted by the Authority aforesaid, That said Commissioners shall for ever hereafter account with and pay into the Hands of the Trustees of said Liberty Hall, all the Monies that shall arise from the Sale and Rents of said Lots, once in every Year, to be applied to the Use of Liberty Hall, in said Town.

IV. And be it further Enacted, by the Authority aforesaid, That in Case said Commissioners, or any of them, should refuse to account for and pay all Money as by this Act directed, he or they so offending shall forfeit and pay the Sum of Five Hundred Pounds, to be recovered by Action of Debt, in any Court having Cognizance thereof, the one Half to be applied to the Use of Liberty Hall, and the other Half to the Person suing for the same; any Law, Usage or Custom, to the contrary notwithstanding.

CHAPTER XXIV.

An Act to impower the Justices of Duplin County to take into their Possession the Records of said County, now in the Possession of James Sampson.

I. Whereas it is represented by the Justices of Duplin County, that James Sampson, heretofore Clerk of the same County, upon the Appointment of William Dickson to that Office, refused to deliver up to the said Court the Records and other Papers belonging to the County; that among the said Records are many Wills, Inventories, and Settlements of Estates, which contain the only Evidence of the Property of great Numbers of Persons, particularly of Orphans; and that on the Dockets are many Suits yet undetermined, and many Judgments which remain unsatisfied, to the great Injury of the Inhabitants of the said County, and others: In order therefore that the Records may be restored to the proper Office, that the injured may be redressed, and the obstinate and wilful brought to a Sense of their Duty, and a proper Respect for the Laws;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That the Justices of the said County be appointed, and they, or any Three or more of them, are hereby authorized and impowered to demand and receive of and from the said James Sampson, and of and from every other Person or Persons who are or may be in Possession of the same, the Records and other Papers of the said County; and upon the Refusal or Neglect to deliver the same, then the said Justices, or any Three or more of them, shall and may issue their Warrant, directed to the Sheriff and other Officers of the same County, commanding him the said Sheriff or other Officers to take with him such Force as he may think necessary, and to apprehend the said James Sampson, and such other Person or Persons as may have the said Records, or any of them, in Possession, and him or them commit to the common Gaol of the said County until the Records shall be produced and delivered up; and also impowering the Sheriff, and other Officers of the said County, to make diligent Search in all suspected Places within the same County for the said Records and Papers, and for that Purpose to break open Doors and Locks where they are suspected to be concealed.

III. And be it further Enacted, by the Authority aforesaid, That all Fees and Sums of Money which may hereafter be paid into the Court of Duplin County, upon any Suit depending, or Judgment not satisfied, on the Docket, detained by the said James Sampson, as well such Fees and Monies which are due to the said James Sampson as to others, shall be paid by the Clerk of the Court for the Time being to the Person or Persons to whom the same shall appear to be due.

CHAPTER XXV.

An Act for building a Court-House in Elizabeth Town, in the County of Bladen.

I. Whereas the Commissioners heretofore by an Act of Assembly appointed for building a Court-House, and other Public Buildings, in Elizabeth Town, in the County of Bladen, have failed to discharge the Trust reposed in them;

II. Be it Enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, That William Salter,

Abraham Barns and James Clardy, be and are hereby appointed Commissioners for the purpose aforesaid, and that they or a majority of them are hereby authorised and Impowered to agree and contract with workmen for building a Court House for the use of the said County on a lot in Elizabeth Town laid off for that purpose, and if any of the Commissioners appointed by this act should die, remove out of the County or refuse to act the remaining Commissioners shall appoint another Commissioner or Commissioners in the room and stead of such Commissioner or Commissioners so dying, removing or refusing to act, and the Commissioners so appointed shall have the same powers as the Commissioners appointed by this act.

III. And be it further enacted by the authority aforesaid, that the said Commissioners herein named or a majority of them, shall have full power and authority to demand, sue for, recover, and receive of and from the late Sheriffs and Commissioners of said County, or any other person in whose hands the same may be, all and every sum or sums which have been laid as a tax or taxes on the inhabitants for the purpose aforesaid and other public buildings for which the Sheriff or other persons or any of them are liable, and in case of failure or neglect on paying the said money to the Commissioners herein named, by the said Sheriffs or other persons, or any of them, he or they so failing or neglecting shall be liable to the same penalties and the same mode of recovery may be had against him or them as by law should or might have been had against Sheriffs who neglect or refuse to account for and pay public tax.

IV. And whereas the tax heretofore laid for the purpose aforesaid will be insufficient to answer the purpose intended thereby, it is therefore further enacted, that the Courts of said County are impowered to levy by assessment a sum not exceeding Three Hundred Pounds on all Taxable property therein, to be assessed, collected and accounted for in the same manner as public taxes.

CHAPTER XXVI.

An Act for regulating Cambelton and erecting Public Buildings.

I. Whereas, from the great increase of the trade of the village of Cross Creek, within the liberties of Cambelton, the measures formerly by law established for the regulation of said town are not found conducive in its present situation to the convenience of its inhabitants in order to prevent an easy and beneficial intercourse with the back settlement of this state, and to expedite the distribution of public justice, in the Courts of the County of Cumberland,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after this session of Assembly, the village of Cross Creek, and town of Cambelton, shall be united into one town under the name of Cambelton, and shall thereafter have, hold, possess and enjoy all rights, powers, privileges and immunities which the village of Cross Creek and town of Cambelton separately, or both collectively, do now, or may at any time hereafter have, hold, possess and enjoy.

III. And be it further enacted by the authority aforesaid, that Peter Mallet, Robert Cochran, Lewis Barge, Daniel Southerland, James Patterson, George Fletcher, and Robert Rowan, be, and they are hereby appointed Commissioners to lay out and regulate the said town, and to make such

streets, ways and allies as to them shall seem most suitable for persons passing to and from different parts of the said town, and convenient for waggons and other carriages driving in the said town, and liberties thereof.

IV. And be it further enacted by the authority aforesaid, that the said Commissioners, after having laid out the said town, in manner as they are hertofore empowered, shall view and value on oath all houses, tenements and improvements which shall interfere, or be in the way of the streets laid out as aforesaid, and may remove or cause the same to be removed; and the damage which shall from thence accrue to the owners of such houses, tenements or improvements, shall be paid to the owners thereof by a tax, to be imposed on the inhabitants of the said town in manner hereinafter directed.

V. And whereas there are several lots which were laid out in the original plan of Cross Creek which have not yet been purchased of the original proprietors, and others which have been purchased, but not improved, or the improvements hitherto made of inconsiderable value; and as it may be for the advantage of the said town that the streets should be run through such lots, or lands adjoining such lots,

VI. Be it therefore enacted by the authority aforesaid, that the said Commissioners or the majority of them, shall cause a valuation to be made of all the lots or lands through which it may be most proper to run the said streets, or so much of them as may be thereby injured, and the proprietors thereof shall be paid accordingly by a tax to be imposed by the said Commissioners upon the inhabitants and owners of houses or lots in the said town, not exceeding the sum of five shillings in each year, for every hundred pounds such inhabitant or owner of houses or lots shall be assessed for their property in that part of the town called Cross Creek, and five shillings on all taxable persons, inhabitants of said town, who are not possessed of property of one hundred pounds value; to be levied, collected and accounted for in the same manner as the taxes directed to be collected for levying a tax by general assessment, and other purposes; which said tax so collected shall be paid into the hands of the Commissioners, or a majority of them and by them shall be applied to the purpose before mentioned,

VII. And be it further enacted by the authority aforesaid, that the said valuation shall be by six freeholders, three of whom shall be of the said Commissioners, the other three shall be nominated by the person owning the lot or land which is the subject of valuation. Provided always, that the persons so nominated by the proprietors shall be freeholders and inhabitants of the town, or within four miles thereof.

VIII. And be it further enacted by the authority aforesaid, that the inhabitants of the said town shall be exempt from working upon the public roads, but shall work upon the streets of said town under the direction of the commissioners, two days in every month, if so much shall be required, and no more; and such persons shall be compellable to work as would have been obliged to have worked upon the public roads, had this law never been made, and shall be subject to the same penalties, and to be recovered in the same manner in the case of failure.

IX. And whereas a Court House, Gaol, Pillory and Stocks are much wanting in the County of Cumberland, and as the upper part of the Town of Cambelton formerly called Cross Creek will be the most proper situation for them.

X. Be it therefore enacted, by the authority aforesaid, That a Court

House, Gaol, Pillory and Stocks shall be built in that part of the town formerly called Cross Creek, and that from and after the passing of this Act Peter Mallet, Robert Cockran, David Smith, Walter Murray and John Matthews shall be and are hereby appointed and constituted Commissioners to design, contract for and cause to be built and finished a sufficient Court House, Gaol, Pillory and Stocks of such Dimensions and materials as to them or the majority of them shall seem convenient, sufficient and proper, and to receive as Donations from well disposed Persons to purchase such lot or lots as shall to them or the majority of them seem best suited for erecting the said buildings upon and to take such deeds and conveyances in law or equity as shall be sufficient to invest a fee simple in the said trustees for the purposes aforesaid, and such estate so invested in them shall be held and deemed for the use of said County for erecting said public buildings upon and no other purpose whatsoever.

XI. And be it further enacted by the authority aforesaid, that six pence per hundred pounds be levied upon the taxable property in the County of Cumberland and six pence on all the taxable persons in said County who are not possessed of property of one hundred pounds value for three years, that is to say, the year one thousand seven hundred and seventy eight, the year one thousand seven hundred and seventy nine, and the year one thousand seven hundred and eighty, to be levied, collected and accounted for in the same manner and at the same times as the taxes directed to be collected by an act for levying a tax by general assessment and other purposes, which tax so collected shall be paid to the Commissioners or the majority of them, and by them shall be applied to defray the expence of Building said Court House, Gaol, Pillory and Stocks.

XII. And be it further enacted by the authority aforesaid, that the Collector and Treasurer of said County for the time being, shall before he or they collect or receive any part of the tax herein laid, enter into bond with two sufficient securities for the faithful collection and payment of the aforesaid tax.

XIII. And be it further enacted by the authority aforesaid, that in case the money arising by this act should be more than sufficient to complete the Buildings aforesaid, then the surplus shall be refunded to the Court for said County.

XIV. And be it further enacted by the authority aforesaid, that the trustees in this act named shall proceed immediately to the discharge of the Trust by this act reposed, and shall cause the said Buildings to be finished within twelve months at farthest, and upon the said buildings being finished and payed for they shall render upon oath an account of all the monies by them received upon account for this act, and the sums paid by them on account of the said buildings before the Court of Cumberland County for their approbation, and whatever shall then remain in their hands of the said monies shall be applied to lessening the County Tax.

XV. And be it further enacted by the authority aforesaid, that from and after the passing of this act it shall and may be lawful for the Justices of Cumberland County to hold Court in any Convenient House in the said Town of Cambelton until the aforesaid Buildings are finished, any Law, Custom, or usage to the Contrary notwithstanding.

XVI. And be it further enacted by the authority aforesaid, that the Trustees in this act named or the majority of them, be and are hereby empowered to expose to sale first giving twenty days notice the lot whereon the Court House now stands, and also the lot whereon the Gaol formerly stood,

and the money arising by such sale to be applied towards building the Court House.

XVII. And whereas the owners of lots in that part of the town of Cambelton laid out by act of Assembly in the year one thousand seven hundred and sixty two have never yet got titles for the said Lots owing to the neglect of the Commissioners formerly appointed for that purpose.

XVIII. Be it therefore enacted by the authority aforesaid, that the trustees in this Act named or the majority of them are hereby impowered to grant, convey and acknowledge to the person or persons owning the same, and his heirs and assigns forever in Fee Simple. Provided always, that if any lot or lots shall be granted by the said Commissioners to any person or persons whatsoever who shall not within five years build a good substantial habitable fraimed house not of less dimentions than twenty feet in length and sixteen feet wide exclusive of sheds, or make such preparation for so doing as the Commissioners or the Majority of them shall on view think reasonable, such grant or conveyance shall be void, and it is hereby declared void and of no effect, as if the same had never been made, and the Commissioners may grant and convey such lot or lots which shall not be built on within the time, and in the manner as is hereinbefore directed to any other person or persons applying for the same and paying three pounds for the use of the original proprietor.

XIX. And be it further enacted by the authority aforesaid, that no Hog or Hogs be permitted to run at large in the said town, but that such Hog or Hogs found running at large at the expiration of three months after the passing of this act may be destroyed by any person who will undertake to do the same and not be subject to any prosecution at law whatever, any law or custom to the contrary notwithstanding.

Read three times and ratified in General Assembly the second day of May, Anno Domini, 1778.

WHITMILL HILL, S. S.
THOMAS BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1778.

At a General Assembly begun and held at Hillsborough, on the eighth day of August, in the Year of Our Lord One Thousand, Seven Hundred and Seventy-Eight, and in the third year of the Independence of the said State, Being the second Session of this Assembly.—*Richard Caswell, Esq., Governor.*

CHAPTER I.

An Act for emitting Eight Hundred and Fifty Thousand Pounds in Bills of Credit, for discharging the debts incurred by this State in raising Men to Reinforce the Battallions belonging to this State in the Continental Army, for calling in all former Emissions, and other purposes.

1. Whereas this State has incurred debts by raising men to reinforce the Battalions thereto belonging in the Army of the United States, upon the particular requisition of Congress, for the payment of which Debts the Public Faith stands pledged, and the time for receiving the Taxes into the Treasury is too remote, and the Quantity thereof not yet ascertained; and whereas many evil disposed persons have counterfeited great Part of the Bills of Credit now current in this State, in such Manner as to be with great difficulty distinguishable, and there is therefore great danger of Injury to individuals, and of Depreciation to the Current Medium. And whereas also the disaffected in this State have endeavored to depreciate the Bills of Credit emitted by the Authority of the Continental Congress, and the Congresses held in this State previous to our Constitution, by forming Comparisons much to the Prejudice of the said Bills of Credit, with the Bills of Credit emitted by the Authority of the British Government; wherefore it is expedient to emit a sum of money in Bills of Credit, sufficient to discharge the said Debts, and call in all the Bills of Credit of former Emissions;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That Eight Hundred and Fifty Thousand Pounds be emitted on the Faith and Credit of this State, in Bills of the following denominations, that is to say, two thousand five hundred of one hundred dollars, five thousand bills of fifty Dollars, three thousand one hundred and twenty-five of forty Dollars, ten thousand of twenty-five Dollars, twelve thousand five hundred of twenty Dollars, fifty thousand of Ten Dollars, fifty thousand of five Dollars, twelve thousand five hundred of four Dollars, twenty five thousand of two Dollars, fifty thousand of one Dollar, one hundred thousand of Half a Dollar, one hundred thousand of one fourth of a Dollar; one hundred thousand of One Eighth of a Dollar, and two hundred thousand of one Sixteenth of a Dollar; that the same be printed in a printing press and that Henry Rhodes, Henry Horn, Jun., Nathan Bryan, Jeremiah Frazier, James Saunders, and George Alexander, be Commissioners to superintend and number the same; that James Kenan, John Lillington, James Williams, Thomas Satterwhite, Jesse Cobb, Benjamin Exum, William Sharp, James Kerr, Orcondates Davis, Benjamin Hawkins, Thomas Harvey and Joseph Jones, be commissioners to receive the same when printed and numbered, to sign the same and to pay it into the hands of the Public Treasurers.

III. And be it further enacted by the authority aforesaid, that the general form of the bills hereby emitted shall be as follows, to-wit:

"State of North Carolina.

"This Bill entitles the Bearer to receive ——— Spanish milled Dollars or the value thereof in Gold or Silver, agreeable to an Act of Assembly passed at Hillsborough the eighth day of August, 1778."

And such Bill shall be impressed and printed both in the face and reverse thereof, on the edges as well as the Body thereof, with divers Letters, Marks, Devices, and Words which may be difficult of imitation, and which in the opinion of the said Superintendents of the Press, may most effectually secure the same from attempts to counterfeit.

IV. And be it also enacted by the authority aforesaid, that every dollar of the emission aforesaid shall be held and deemed equal to eight shillings proclamation Money, and shall pass current at the same, and be a lawful Tender in all Payments and Contracts within this State, any Law, Custom or Usage to the contrary notwithstanding.

V. And be it also enacted by the authority aforesaid, that the Superintendents shall to each set of signers deliver a sum not exceeding ten thousand pounds at one time taking a receipt for the numbers from the lowest to the highest inclusive, and shall deliver no more to the same set of signers until a receipt shall be produced from some one of the Public Treasurers for the same numbers duly signed.

VI. And be it also enacted by the authority aforesaid, that every commissioner appointed by this act to superintend and number and to sign and pay the said bills of credit to the Public Treasurers shall take an oath well and truly to execute the duties and discharge the trusts by this act required and each and every Commissioner shall enter into Bond to the Governor with sufficient security to be by him approved in the sum of twenty thousand pounds for the due performance of the duties and trusts by this act required.

VII. And be it further enacted by the authority aforesaid, that each and every Commissioner for superintending and numbering the said Bills of Credit shall have and receive Three Hundred Pounds & the Commissioners for signing and paying the same to the Public Treasurers shall have and receive four Dollars for every thousand Bills which they shall respectively sign over and above the expence of paper and printing and that none of the Bills by this act to be emitted shall be signed by more than two of the Commissioners and all Bills of the denomination of two Dollars and under shall be signed by one of the Commissioners only.

VIII. And be it also enacted by the authority aforesaid, that the Commissioners for superintending and numbering the said Bills of Credit shall be empowered to purchase paper and materials and to employ a printer to print the said Bills, and may draw on the Public Treasurers, or either of them for the monies necessary for the same, and their drafts shall be admitted as vouchers in the settlements of the said Treasurers public accounts.

IX. And be it further enacted by the authority aforesaid, that the Treasurers shall attend at the Superior Courts in their respective districts to receive the money to be redeemed by the new Emission, and for this service and for receiving the new emission from the Commissioners and paying it out again shall have and receive five hundred pounds each over and above the salary by law established, and the said Treasurers respectively shall enter into Bond with sufficient security to be approved of by his Excellency

the Governor in the sum of four hundred and twenty five thousand pounds for the faithful discharge of the duties by this act required.

X. And be it further enacted by the authority aforesaid, that the Commissioners hereinbefore appointed for superintending the press and signing the money shall meet at Kingston on the tenth day of September next, to consult and agree on measures to procuring paper and carrying this act into execution, and that the said Commissioners shall begin to print and sign the said Bills of Credit to be by this act emitted on or before the first day of October next.

XI. And be it also enacted by the authority aforesaid, that the Public Treasurers, or either of them, shall receive all Bills of Credit emitted by authority of the Governor, Council and Assembly of North Carolina previous to the establishment of our present Constitution which shall be brought to them or either of them before the first day of February in the year one thousand seven hundred and seventy nine, and all the Bills of Credit emitted by authority of the Congresses of North Carolina which shall be brought to them or either of them before the first day of May in the same year, and shall deliver in exchange for all such monies to the persons producing the same money of the Emission directed by this Act to the amount of the sums by each respectively produced, and that from and after the said first day of February no Bill or Bills of Credit emitted by authority of the Governor, Council and Assembly of North Carolina shall be current within this State nor be held redeemable or at any time chargeable to or upon the public credit thereof, and that from and after the said first day of May no Bill or Bills of Credit emitted by authority of the Congresses of North Carolina shall be current within this State or be held redeemable; any Resolution, Law, Custom or Usage to the Contrary notwithstanding.

XII. And be it also enacted by the authority aforesaid, that whoever shall by printing, writing, engraving, or by any other ways or means counterfeit or attempt to counterfeit any of the said Bills of Credit by this act directed to be emitted or any part, word, letter, name, emblem or device of the same, or shall make or construct any die, press, tipe, or other Instrument or shall have in possession any die, Press, Tipe, or other Instrument for imitating or Counterfeiting any of the said Bills or any part, word, letter, name, emblem or device thereof except by authority of law or in cases where such may be seized in order to bring suspected persons to justice, or shall alter or deface any of the said Bills with intention to change the value or denomination thereof, or shall knowingly pass or utter any counterfeit likeness of any of the said Bills being thereof lawfully convicted by confession or Verdict, or on arraignment or trial shall stand mute or challenge peremptorily more than thirty-five jurymen, every such person shall receive judgment of death without Benefit or Clergy and shall suffer as in case of Felony.

XIII. And be it also enacted by the authority aforesaid, that where it shall appear by due proof to the satisfaction of a jury that any person has printed, written, stamped, or by any ways or means made any bill or bills in the likeness of any of the Bills of Credit by this Act emitted, or any part of the same, altho' such Bill or Bills cannot be produced in evidence, it shall be held and deemed sufficient testimony to convict such person of counterfeiting under this act, any Law, Custom or Usage to the Contrary Notwithstanding.

XIV. And be it also enacted by the authority aforesaid, that six hundred and thirty thousand pounds of the bills by this act emitted shall be appropriated solely to the redemption of the bills of credit by this act directed

to be redeemed, and it shall not be lawful to appropriate any part of the said sum to any other use or purpose whatever.

XV. And be it also enacted by the authority aforesaid, that if any Commissioner appointed by this Act to sign the said Bills of Credit or to superintend and number the same, shall die, refuse to act, resign, remove, or become disabled or disqualified, it shall be lawful for the Governor to appoint one in his stead, and such Commissioner shall give bond and be subject to the same rules and restrictions as Commissioners appointed by this act.

XVI. And be it further enacted that in case the Treasury should not be supplied in due time to exchange the circulating currency of this State by this act called in, it shall be lawful, and the treasurers and others by this act appointed for exchanging the same are hereby required to receive all such sums and grant certificates therefor to be redeemed as soon as the money by this act directed to be emitted shall come into the Public Treasury.

XVII. And be it further enacted by the authority aforesaid, that previous to the superintendents entering upon the business of printing the Bills of Credit by this Act directed, to be entitled, they shall take an oath to break and destroy the Tipes in such manner as to prevent any Frauds or Impositions.

XVIII. And be it enacted by the authority aforesaid, that the Public Treasurers of this State or either of them shall, and they are hereby directed to attend at the place where the aforesaid money shall be struck to receive the same from the signers.

CHAPTER II.

An Act to make Provisions for the Recovery of Debts due to the United States, or any of them.

I. Whereas it is expedient that provision be made for compelling all such Individuals as have received Money on Account of the United States, or any of them to account and pay all balances due:

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful to commence and prosecute any action or actions, Suit or Suits, for any Debt, duty or Demand, in the name of the United States, or any of them, in any Court of Law or Equity, or before any Judge or Justice within this State, where the Value of such Debt, Duty or Demand, may be cognizable; and every such Action or Suit shall be subject to such Rules, and Regulations, as Actions and Suits of like nature, commenced or prosecuted by any citizen of this State. Provided, that costs shall be recoverable against the Agent, Factor or Attorney, who shall commence the Action or Suit, when Judgment shall be given against the United States, or any of them.

III. And be it also enacted by the authority aforesaid, That in any Action or Suit in the name of the United States, where it shall be made to appear to the Court that a Declaration has been served on the Defendant or Defendants, with Notice to prepare for trial at the next ensuing Term, at least five days before the said Term, issue shall be joined, and the Action or Suit shall be tried the first Term, except in cases where the Court shall grant longer time.

CHAPTER III.

An Act to amend an Act passed in the last Session of this present Assembly, Intitled An Act to alter the Terms for holding the several Superior Courts of Law, and for better arranging the County Courts within this State.

I. Whereas by the said act no provision is made for transferring the several Causes on the Docket of the several Superior Courts and the County Courts in the said Act mentioned, or for making process returnable to the terms as they formerly stood, Returnable to the terms as established by the said Act, whereby a Discontinuation of all Suits and Process in the said Courts must happen, unless prevented by this Assembly, to the great Damage of Suitors in the said Courts, and to the delay of Justice,

II. Be it therefore enacted by the General Assembly of North Carolina, and it is hereby enacted by the authority of the same, that every Suit, Indictment, Recognizance and Process which was depending in the said several Superior Courts and in the County Court in the said act mentioned before the time of passing the same and which hath not been abated, determined or discontinued in due course of Law be and is hereby declared to be transferred to the several Superior Courts and the County Court aforesaid as Established by the said Act, and the Judge or Justices in the said Courts respectively, shall have jurisdiction and take cognizance thereof in the same manner as if the terms had not been altered, and all process, recognizances and other proceedings returnable to any certain day or days in the terms of the said several Superior Courts and County Court as they stood before the passing of the Act aforesaid shall be returned to the same days of the Terms as established by the said Act.

CHAPTER IV.

An Act to Repeal part of an Act entitled "An Act allowing Salaries to the Governor, Secretary, Delegates, Treasurers, Members of the Council of State and other Purposes.

I. Whereas it has been found expedient to increase the number of the Delegates from this State in the Continental Congress and to vary the Duties enjoined them, whereby the Salaries undergo a material Alteration and Provision has been made accordingly.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that An Act entitled An Act Allowing Salaries to the Governor, Secretary, Delegates, Treasurers, Members of the Council of State and other Purposes, so far as it relates to the salaries of Delegates and their appointments in office, be and it is hereby repealed and made void.

CHAPTER V.

An Act to prevent trading with the Cherokee Indians without license first had and obtained; and also to prevent Trespasses upon the Indian Hunting Grounds.

I. Whereas, divers Avarocious and ill-disposed persons, have by Frauds in Traffick, or by Trespassing upon the Hunting Grounds of the Cherokee In-

dians, and divers other abuses, excited their Jealousies and Suspicions, which if not seasonably quieted, and such abuses in future prevented, may involve this and other of the United States in a bloody and expensive Indian War.

II. Be it therefore enacted by the Assembly of this State, and by the authority of the same, that no Person or Inhabitant of this State, shall trade, traffick, or barter with the Cherokee Indians within the Indian Country, unless he shall first obtain a License for so doing, from the Judges of the Superior Courts; and if any person shall trade, traffick or barter contrary to the true Spirit and Intention of this Act, such person or persons so offending, shall, upon conviction thereof, duly had and obtained in the Superior Court of the District nearest the place where such offence shall have been committed, forfeit and pay the sum of Five Hundred Pounds Current Money of this State, one half thereof to the use of the Informer, the other to the Governor of this State, to be applied to defray the Contingent Charges of Government; to be recovered by Action of Debt, Bill, Plaint or Indictment, wherein no Essoign, Excuse, or Plea in Abatement shall be admitted to the Jurisdiction of the said Court, nor shall Process be discontinued for or by reason of any Omission or Errors not substantially material; and in case such Offender or Offenders shall not within twenty four hours after conviction, pay into the hands of the Sheriff of the County in which such District Court shall be held, the said Sum of Five Hundred Pounds, and all Costs arising upon such prosecution, he shall stand in the Pillory two hours, and receive thirty nine lashes upon his bare back, and shall stand Committed to the Gaol of the District until such sums shall be compleatly discharged and paid.

III. And be it further enacted by the authority aforesaid, That if any person shall hereafter be guilty of trespassing upon the Indian Hunting Grounds, knowing them to be such, he shall suffer the same Penalties, Fines and Forfeitures, to be prosecuted, sued for and recovered, and inflicted, as are by this act heretofore directed, with respect to Persons trafficking with the Cherokee Indians, and under the same Rules, Regulations, Latitude and Restrictions, prescribed to be had against the offenders specified in this Act heretofore, and all Fines and Forfeitures shall be applied in Manner as before directed.

ALLEN JONES, S. S.
THOMAS BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1778.

At a General Assembly begun and held at New Bern, on the Fourteenth day of April, in the Year of Our Lord One Thousand Seven Hundred and Seventy Eight, and from thence continued by Adjournments and Prorogations to the Nineteenth day of January, at Halifax, in the Year of Our Lord One Thousand Seven Hundred and Seventy-nine. Being the third Session of this Assembly.

CHAPTER I.

An Act to Regulate and Establish a Militia in this State.

I. Whereas a well regulated Militia is absolutely necessary for the Defending and Securing the Liberties of a Free State.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same: That the Militia of this State be divided into Six Brigades as it heretofore stood by an Act intitled An Act to Establish a militia in this State, viz, one in each of the Districts of Edenton, New Bern, Wilmington, Halifax, Salisbury, and Hillsborough, and each Brigade to be commanded by a Brigadier General. And the Militia of every County shall consist of all the effective men from Sixteen to fifty years of Age inclusive, except Quakers, Menonists, Dunkards, and Moravians to be formed into one or more Regiments, each under the Command of a Colonel, Lieutenant Colonel, and two Majors; every Regiment shall be divided into Companies, consisting of fifty Rank and File at least, two Sergeants, two Corporals, one Drummer, one Fifer; and each Company to be under the command of a Captain, Lieutenant, and Ensign, That every Company shall stand divided into four Divisions, and shall go on service according to the first, second, third and fourth numbers as they have heretofore drawn, under an Act intitled an Act to Establish a Militia in this State, provided nevertheless, That where any Militia man shall remove himself out of one Company into another, he shall produce a Certificate from the Captain of the Company from which he came, setting forth the Division to which he belonged, and the Duty he has performed in that Division and the Captain of the Company to which he came; shall cause him to be enrolled in the Division he stood in before his removal; And if any person so removing shall fail to produce such Certificate when thereto required by the Captain of the Company to which by his removal he shall or may belong such Captain shall cause the person so failing to be enrolled in the Division then liable to be called out and shall serve accordingly.

III. And be it further Enacted by the Authority aforesaid, That in every County where the Militia have not been divided and numbered as aforesaid, that the Commanding Officer of such County shall immediately upon the publication hereof cause such Militia to be divided and numbered as aforesaid, under the penalty of One Hundred Pounds to be recovered by action of Debt, by any person suing for the same in any Court of Record having cognizance thereof.

IV. And be it further Enacted by the Authority aforesaid, that every Captain shall on or before the twentieth day of April next and once in every six months afterwards return a Muster Roll of his Company divided and numbered as aforesaid to the Commanding Officer of the Regiment, under pain of forfeiting fifty pounds for every default; And the Commanding Officer of each Regiment shall make an exact return from such Lists within twenty days after receiving the same to the Brigadier General of the District under pain of forfeiting two Hundred and fifty pounds for every default.

V. And be it further Enacted by the Authority aforesaid, That the Commanding Officer of every Regiment shall once in every year, and oftener if thereto required by the Brigadier General of the District, order a general Muster at the Court House of their County or such place where the Court is held or such other places as is or may be appointed by law, under pain of forfeiting twenty-five pounds for every Default; and every Captain shall Muster and Train his Company divided as before directed once in every two Months and oftener if directed by the Commanding Officer under pain of Forfeiting Five Pounds for every default, and every soldier neglecting or refusing to attend the General Muster shall forfeit the sum of Forty Shillings, and if a private muster twenty shillings, to be recovered as hereinafter directed.

VI. And be it further Enacted by the Authority aforesaid, that the Brigadier Generals respectively shall return an exact Roll of all the Officers and Soldiers of their Brigades distinguished into their proper Companies and divisions, to the Governor once in every year and oftener if required, under the penalty of five hundred pounds for every default.

VII. And be it further Enacted by the Authority aforesaid, That each Militia Soldier shall be furnished with a Good Gun, Shot bag a Cartouch Box or powder Horn, a Cutlass or Tomahawk and every Soldier neglecting to appear at any Muster accoutred as above shall forfeit for every such offence ten shillings if at a General Muster and five shillings if at a private Muster (unless he can make it appear they were not to be procured) to be recovered as other Fines, and when any person shall appear to the Field Officers not possessed of sufficient property to afford such arms and accoutrements, the same shall be procured at the cost of the County and given to such persons on Muster Days or when ordered into service, which Guns and Acoutrements after such Service shall be returned to the Captain of the Company and by him carefully preserved for future Occasions; and whenever the Militia are called into Service they shall be allowed as follows, one Baggage Waggon or two Carts for the field Officers of each Regiment, two Waggons or four Carts for the Captains and Subaltern Officers of each Regiment and two Waggons or four Carts to each Company if necessary; each Waggon with four Horses to be allowed ten Dollars per Day, each Cart with two Horses to be allowed five Dollars per Day and to be found forage and shoes for their Horses, Ammunition Waggons at the discretion of the Brigadier General. The same rations to men and officers as allowed to the Continental Army, to be supplied by Commissaries appointed by the Brigadier. One Bell Tent to each Company, Entrenching Tools, Six Axes and a sufficient number of Camp Kettles to be furnished by the Commanding Officer of each Regiment and the pay of the men and Officers as follows, (to-wit): a Colonel per Day forty shillings, Lieutenant Colonel thirty-six Shillings, a major thirty-six Shillings, a Captain twenty-eight Shillings, Lieutenant twenty four Shillings, a surgeon thirty six Shillings, an adjutant twenty-four Shillings, an Ensign twenty shillings, a Serjeant twelve shil-

lings, a Corporal, Drummer and Fifer ten shillings, each rank and file man eight shillings and that the non-Commisioned Officers and privates shall have and receive a Bounty of twenty Dollars for every month they shall be according to the Governor's orders on actual Duty, a Brigadier General five pounds and each Brigadier shall be allowed one Baggage Waggon.

VIII. And be it further Enacted by the Authority aforesaid that there shall be one Quarter Master to every Brigade, who shall be appointed by the Brigadier General with power to appoint Deputies, and every Colonel or Commanding Officer of a Battalion shall appoint a Quarter Master to attend the same, or any Detachment thereof when ordered into actual Service to continue only until such Battalion or Detachment shall join the Brigade of which it shall be a part—and every Quarter Master shall keep an exact account of the Disbursements within his Department and shall be compelled to produce Vouchers on Oath for every expenditure before the same shall be allowed and the Quarter Master for each Brigade shall not appoint more than one Deputy for each Regiment and each Brigade Quarter Master shall be allowed Captains pay and Rations, and each Deputy Lieutenants pay and Rations.

IX. And be it further enacted by the Authority aforesaid, that there shall be twenty five Light Horse Men and no more from each Regiment, to be arrayed in one or more Companies when they shall have joined the Brigade at the discretion of the Brigadier General, and that each and every Light Horse man shall find and provide his own Horse and accoutrements, and shall have the same bounty as a foot Soldier and sixten Shillings per day together with Forage and Shoes for his Horse; and a Chaplain may be appointed to each Brigade by the Brigadier General to be approved of by the Field Officers of the Brigade which Chaplain shall have the same pay and Rations as a Colonel and be allowed forage for his Horse.

X. And be it further Enacted that no Officer or Soldier in the Militia Service shall be tried for any offence against the Militia Law or the Articles of War; except by a Court Martial composed of Militia Officers.

XI. And be it further Enacted, that no Brigade, Regiment or Division of Militia shall be under Command of any but Militia Officers, except when such Militia shall be ordered by the civil power to join the Continental Troops, in which Case the Continental Officer of equal and the Militia Officer of Superior Denomination shall Command.

XII. And be it further Enacted that such Division as shall at any time be called into Service, shall be formed into Companies of not less than fifty Men each, with a proportionable number of Officers, Seargeants, Corporals, Fifers and Drummers, and all the Officers of each Regiment shall agree among themselves concerning who shall command the men directed to March into Actual Service; but if they cannot agree the Commanding officer shall cause Lotts to be drawn and the Officers on whom such lot shall fall shall command in their proper rank and department, and such Draft of Officers shall be taken and made previous to the draft of the Soldiers and if any Officer shall resign prior to the Draught of the Militia Soldiers aforesaid, such Officer shall be placed in the Division then liable to a Draft and if any Officer on whom the lot of Commanding aforesaid may fall should resign his command before the Expiration of the Service such Officer shall forfeit and pay the sum of five Hundred pounds to be applied and recovered as other fines are herein Directed, provided, that nothing herein contained shall extend or be construed to extend to bar any Officer or Officers from

resigning his or their Office before any alarm or orders for raising men without incurring any penalty by this Act inflicted.

XIII. And be it further Enacted that all persons within the ages of Sixteen and fifty shall be liable to be drafted and every person so drafted obliged to serve or find an able bodied person in his room, provided that the Governor, Speaker of both Houses of the Assembly, Justices of the Superior Court of Law, Attorney General, Continental Delegates, Public Secretary, Quakers, Minonists, Dunkards, Moravians and such persons as shall heretofore actually inlisted good and able bodied men as regular Soldiers or caused such to be inlisted to serve in the Continental Army agreeable to an Act passed in May One thousand Seven Hundred and Seventy-seven for encouraging the Recruiting Service, which said Enlistments they shall prove by their own Oath and the Testimony of an indifferent person to be obtained without Fraud or Collusion in due time and without the procurement or assistance of any Continental Officer or Soldier, shall be exempted from a Draft and that no Justice of the Peace, member of the Council of State, ministers of every Denomination regularly called and having the Cure of Souls, Treasurer of the Town Office, Physicians or Surgeons, Continental post masters and post Riders shall be obliged to attend General or Private Musters but shall nevertheless be subject to a Draft.

XIV. And be it further Enacted that for all Defaults at private Musters if the Delinquent shall fail to appear at the next Succeeding Muster & show sufficient cause for such Default the Captain shall issue his Warrant to the Serjeant for levying the above fines by Distress on the Delinquent's Goods and Chattels, and the fines so collected shall be applied toward providing Arms for such as have not sufficient property to procure such for themselves.

XV. Provided that when any person shall fail to appear at any private Muster and the Captain of the Company may suspect such person of having an Intention of removing himself out of the County before the next Succeeding Muster, in such case it shall and may be lawful for the Captain to issue a Citation against such Defaulter requiring him by a certain Day not exceeding ten from the Date thereof to appear and show cause if any he can why the fine should not be levied, and if he shall fail to appear or appearing to make sufficient Excuse he shall be subject to the same proceedings as if he had failed to make excuse at the Suceeding Muster. And every person who shall think himself aggrieved may complain to the next Court Martial, and if the said Court shall think he was unjustly Fined they shall order the money to be refunded if paid, and if any Security has been given that the same be released; And if any person shall withdraw himself or abscond from the Company to which he belongs after being lawfully drafted or shall desert his Colours when on actual Service such person shall be held and deemed a Continental Soldier during the War.

XVI. And be it further Enacted, That there shall be a Court Martial held the day after every General Muster, to be composed of one Field Officer and Six Captains or Subalterns at least, which said Court shall have full power to inquire into the Age and Abilities of all persons inlisted and to exempt such as they Judge incapable of Service and of all neglects and omissions as well by any Officer as Soldier, and to hear and determine all appeals whatever and to dispose of all fines for the use of the County, and the said Court is hereby directed and required to keep a Register of all their proceedings, and for that purpose to appoint a Clerk and allow him a reasonable Salary out of the fines.

XVII. And be it further Enacted that if any Soldier shall during the time of any Muster resist his Commanding Officer or refuse his lawful Commands, such Soldier shall and may be taken into Custody by order of the Commanding Officer and shall pay such a fine as his said Officer shall assess, not exceeding the sum of ten pounds if at a private Muster, or twenty pounds if at a General Muster; Provided, nevertheless, that such offending Soldier shall have a right of appealing to the succeeding Court Martial to be held for his County, he first giving Bond and Security in double the sum assessed to the Commanding Officer that he shall well and truly prosecute the said Appeal with effect, and if the said offending Soldier shall fail in his appeal it shall and may be lawful for the said Court Martial to confirm such fine with costs at their discretion.

XVIII. And be it further Enacted that if any Officer or Soldier shall neglect or refuse to appear when drafted or otherwise called into actual Service or fail to deliver an able bodied man in his room to the Commanding Officer of the County to which such drafted person may belong (and the said Officer is hereby required to receive such substitute and to give from under his Hand a discharge to such drafted person so providing such substitute) such delinquent so failing or refusing to appear and march agreeable to Command of his Officer, after having received five days previous notice of such draft shall be held and deemed a Continental Soldier for one year and the service of such substitute shall be considered as the service of the drafted person himself and such drafted person shall be entitled to the same legal exemption in future drafts as if he had rendered personal Service; Provided always, that no person shall be received as a Substitute who shall be in the same division with the Drafted person offering such substitute.

XIX. And be it further Enacted by the Authority of the same, that if any Officer or Soldier when in actual Service shall wilfully disobey the lawful C mmands of his Superior or Commanding Officer it shall and may be lawful for such his comanding Officer to cause him to be arrested and held in safe Custody until a Court Martial can be held over such offender (the said Court not to consist of less than one Field Officer, three Captains, three Lieutenants and three Ensigns, or a Majority of them from the Regiment to which such Officer or Soldier shall belong and such Offender shall suffer such Punishment as such Court Martial shall direct; Provided always, that if this offender shall be an Officer he shall not be subject to any Corporal punishment, and whether he be Officer or Soldier he shall not be subject to the loss of Life, Limb or Member.

XV. And be it further enacted that No Officer or Soldier going to, continuing at, or returning from any Muster, in any reasonable time, shall be liable to be arrested by any Officer in any Civil Action or process whatever, any Law, Usage, or Custom to the contrary notwithstanding.

XVI. And be it further Enacted that in all Cases where it shall be requisite to administer an Oath relative to any Military Matters, any Field Officer or Captain is hereby required to administer the same.

XVII. And be it further Enacted, That no Officer or Soldier of the Militia or Regulars in this State shall press any Waggon, Cart or Horse, Arms or other Things, of any nature whatsoever, unless Authorized thereto by Warrants under the Hands and Seals of Two Justices of the Peace (not being Militia Officers then in actual Service) of the County where such press shall be necessary, and any Officer or Soldier before he shall press anything as aforesaid shall demand the same peaceably from the owner or possessor thereof and in Case of refusal shall produce his Warrant aforesaid before he

proceeds to impress, and if the owner or possessor shall still refuse the Thing demanded, it shall be lawful to impress the same and every Officer or Soldier who shall offend against this Act shall forfeit and pay One Hundred Pounds for every such offence to the person injured, and be moreover liable to the Action or Actions of the party grieved, to be recovered before any Jurisdiction having Cognizance thereof, and everything so pressed or obtained shall be valued by two freeholders on Oath and a Certificate of the valuation given by such Valuers to the Owner or possessor from whom the same shall be pressed or obtained, in order that if the same shall not be restored to the owner or possessor he may be allowed such Valuation by the Publick. And in case such Article or Articles so impressed shall be injured while in the publick Service the damage shall be valued as other Articles by this Law are directed to be valued and he shall receive the amount of such Valuation.

XVIII. And be it further Enacted by the Authority aforesaid, That when any Brigade shall be ordered into actual service, the following Rules and Regulations shall be observed, one Waggon Master shall be appointed to every twelve Waggons and that the Commanding Officer shall continue or discharge the same at his discretion, who before he enters upon his duty, shall take an Oath that he shall faithfully execute the said Office and the Commissaries shall every Morning make a return to the Waggon Master of the provisions which the Waggon Master having examined and compared, shall return signed and Certified to the Commanding Officer; And the Waggon Master shall attend, as his special duty to the Arrangement of the Wagons, taking care that every morning no more begin to march than one for every Ton of provisions except where there may be half a Ton or upwards over and above what will make a Ton for every Waggon but one, in which case the one Waggon shall be kept in Service until so much is consumed as to render it below Half a Ton; and in all Cases where the quantity over a Ton for each Waggon is less than half a Ton, the overplus shall be distributed into the other Waggons as equally as may be, and every Morning all the Empty Waggons shall be discharged except otherwise ordered by the Commanding Officer as aforesaid, each Waggon having first obtained a Certificate from the Waggon Master setting forth the number of days it had been in Service, and the place where discharged, and the distance to return, and for every twenty miles of such return each Waggon shall be allowed one day's pay; and half the sum shall be allowed such Carts as shall be employed in the Service; and every Waggon Master shall be allowed the pay and Rations of a Captain; also that there be a paymster to be appointed to each Brigade, who shall attend the same and be allowed Major's pay and Rations, and he shall produce as Vouchers, Receipts from every Officer and Soldier who shall appear on the Muster Roll of the Brigade to which he belongs for such Sums as he shall pay away.

XIX. And be it further Enacted by the Authority aforesaid, That the Provisions made for Drafting the Militia in the Several Counties in this State, according to a Resolve of Congress, passed at Halifax in May, One Thousand Seven Hundred and Seventy Six, shall continue, and the persons who have in pursuance thereof been drafted or voluntarily inlisted and actually called forth into the Service of this State shall not be again drafted or called into actual service of this State till, according to the order of the said provision it shall in rotation come to their turn to be again drafted and called into actual Service of this State; anything in this Act contained to the Contrary notwithstanding.

XX. And be it Enacted by the Authority aforesaid, that if any Militia Officer shall fail or neglect to call his respective Regiment, Company or Corps together, or to exercise, discipline and train the same when assembled, in manner as by this Act is directed, such Officer so failing or neglecting as aforesaid, shall forfeit and pay as follows, to-wit: A Colonel Commandant the sum of One Hundred Pounds, A Lieutenant Colonel the sum of Seventy-five pounds, A Major the sum of Seventy-five, A Captain the Sum of Fifty pounds, Lieutenant the sum of Thirty pounds, and an Ensign the Sum of twenty which several Penalties and Forfeitures may be sued for and recovered by Action of Debt, Bill or Plaint, before any Jurisdiction having Cognizance thereof with Costs, one Moiety whereof shall be paid to the Brigadier General of the District, to be applied towards purchasing Arms, &c., for the use of the County where the Forfeiture shall be, and the other Half to the person who shall sue for the same.

XXI. And be it further Enacted by the Authority aforesaid, that every Militia Officer, before he shall enter upon the execution of his Office, shall take the Oath appointed for the Qualification of Publick Officers, and also the following Oath towit: I, A. B., do solemnly swear that I will execute the office of ———— to the best of my skill and abilities and without Favour, Affection or Partiality, and according to law, so help me God.

XXII. And be it further Enacted by the Authority aforesaid, that where any Invasion or Insurrection shall happen within this State, that the nearest Militia Officer shall give immediate Notice thereof to the Commanding Officer of the County who shall communicate the same as soon as may be to the Brigadier General of the District, who shall convey the same to the Governor, or Commander in Chief, and in the meantime every such Officer shall Use his Utmost Endeavors to collect a Force sufficient to repel the Enemy, or suppress the Insurrection; and every Officer failing herein shall be subject to such punishment as shall be adjudged by a Court Martial.

XXIII. And be it further Enacted by the Authority aforesaid, That every Sergeant, for levying any fine for not attending at General or Private Musters, and for not appearing properly equipped, shall have and receive the following fees, viz: For non-attendance, four shillings, for fines for not being equipped one shilling and four pence, to be paid out of the said Fines; and when any Apprentice or Servant or Minor shall absent himself from Militia Duties he shall be subject to the penalties by this Act directed for offences of the same nature; and if by this Act such offences are made subject to a Fine or Fines such Fine or Fines shall be levied by distress upon the Effects of the Master or mistress of such servant or Apprentice, or upon the Effects of the parent of such Minor, or of his Guardian in Case he shall be an Orphan.

XXIV. And be it further Enacted by the Authority aforesaid, That when the Militia of this State shall be ordered into Service the Commanding Officer shall receive a Tent for every Six men under his Command from the Commissary of Stores, and after the Expiration of such Service the Commanding Officer shall return the Tents together with all Pots, Camp Kettles, Axes & other Tools to the Colonels of their respective Counties where all such articles shall be carefully preserved by him for further Occasions.

XXX. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Commanding Officer of the Militia in this State, to continue any Brigade, Regiment or Division of Militia on actual service for any time not exceeding three months if he shall think that the safety

of the State require it. Provided, it shall not intend to be construed to extend to authorize him to continue the Militia now on Actual Service out of this State longer than the Time they were drafted for.

XXVI. And be it further Enacted by the Authority aforesaid, that when any Complaint shall be made against any Officer of the Militia the Commanding Officer, if the Complaint be not against Himself, if so the next Officer in Command shall cause a Court Martial to be called which shall consist of one or more of the Field Officers, and at least the Majority of the Captains of the Regiment, who shall hear the Charges and Allegations made against any Officer or Officers; Provided such be made upon Oath, and a Notice of ten days at least given to the party complained against, and if such Complaint shall appear to be well founded and to warrant a removal of such officer, the said Court Martial shall and may sentence such person accordingly and at the same time recommend a proper person to succeed such Officer, and if such sentence relates to a Field Officer the president of the Court shall make return of all the proceedings of the said Court Martial to the next General Assembly. But if the same relates to a Captain or Subaltern Officer the said President shall make return of the said Proceedings to the Brigadier of the District and if the same be approved by him, then the Commanding Officer of the County shall proceed to procure a Commission from the Government for such person so recommended.

XXVII. And be it further Enacted by the Authority aforesaid, That if any number of men not exceeding thirty or less than fifteen, shall form themselves into a Company of Horse, accoutreing each and every man thereof with a Carbine, a Cutlass and a pair of pistols, under the Command of a Captain, Lieutenant, and Cornet, it shall and may be lawful for such Company, first reporting the same to the Colonel of the County to which this Company belongs at the same time recommending the officers for the said Company to obtain from the Governor to whom the Colonel Commandant of the County in which they reside is hereby required to signify the same, Commissions for the same recommended Officers and thenceforth as long as the said Company may continue shall be exempt from all foot Service whatsoever; and when on Service the Captain shall have and receive forty Shillings per Day, Lieutenant thirty-six, and Cornet twenty-four; Provided, nevertheless, that the said Company shall be as much subject to the Command and Orders of the Colonel of the Regiment to which they may belong as any Company of foot within the Same.

XXVIII. Whereas the Court House in Rowan County is situate upwards of forty miles from the north west Extremity of said County which renders it very inconvenient and disadvantageous to the Inhabitants of that part of said County to attend General Musters; for Remedy whereof,

XXIX. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, that from and after the passing of this Act it shall and may be lawful for the Commanding Officer of said County whenever it shall be found necessary to hold a General Muster, to order the District of the following Captains to meet at Reed's old field near Henry Chambers' (viz) Joseph Dickens, David Crawford, David Caldwell, George Davidson, Patrick Morrison, James Person, Gilbuth Falls, William Wilson, Jacob Nochles, Samuel Reed.

XXX. And be it further Enacted by the Authority aforesaid, That it shall not be lawful for the Comanding Officer of said County to order the aforesaid

Districts to meet at the Court House of said County unless it may be absolutely necessary to call the whole Regiment together.

XXXI. And be it further Enacted by the Authority aforesaid, That it shall and may be lawful for the Commanding Officer of Said County when he orders a General Muster of said District to order one or more of the Field Officers of said County to attend the same & there hold a Court Martial to try and determine all matters and things in as full and as ample a manner as any other Regimental Court Martial in this State.

XXXII. And be it further Enacted by the Authority aforesaid, that in case of the Death or resignation of all, or any of the said Captains, it shall not be construed so as to effect any of the said Districts as they now stand, so as to deprive any Militia man in said District from the Benefit of this Act; any Law, Usage, or Custom to the Contrary notwithstanding.

XXXIII. And be it further Enacted by the Authority aforesaid, That the Militia of this State now in actual Service Shall from the passing of this Act be intituled to the same pay, Rations and Subsistence and all other privileges which any of the Militia of this State are intituled to by Virtue of this Act.

XXXV. And be it further Enacted by the Authority aforesaid that all former Acts or parts of Acts which come within the purview of this Act are hereby repealed.

CHAPTER II.

An Act for raising Forces for the defence of this and the neighbouring States and other purposes therein mentioned.

I. Whereas it is necessary for the support of this and the neighbouring States that a force should be immediately embodied and marched to the seasonable relief of the militia of this Government who are now in actual service and whose time of service will expire in the month of April next,

II. Be it therefore enacted by the General Assembly of this State, and by the authority of the same, that the Governor do immediately issue orders to the Colonels of the respective Counties, directing them to call a general Muster of the Militia of the several counties, and such Colonels are hereby impowered to enlist all such able bodied men who will engage to serve this State for three months from the time of leaving the limits thereof, and shall pay as a bounty to all such able bodied volunteers the sum of three hundred dollars and such volunteers shall be further entitled to the daily pay and subsistence which the militia when in actual service are authorized to receive and shall be further entitled to draw upon the public Commissary daily and every day for a Gill of Spirits.

III. And be it further enacted that in case a sufficient number of volunteers cannot be had the Colonels of the respective Regiments shall direct draughts to be made in such manner and in such proportions as has been heretofore directed by the Law of this State for regulating the mode of draughts.

IV. And be it further enacted by the authority aforesaid that the Governor shall allot to each and every County of this State its respective proportion of fifteen hundred men, which proportion such County is hereby injoined to furnish; and the Colonels of the respective regiments are impowered and directed to raise their proportionable number in the

first Instance by the enlistment of volunteers as aforesaid and in case of their deficiency to complete the Quota by draughts and such draughted soldiers shall be entitled to a bounty of One Hundred and Fifty Dollars, the pay and subsistance of Militia and a Jill of Spirits; and such draughted soldier shall be bound to serve for three months from the time of leaving the limits of this State.

V. And be it further Enacted by the authority aforesaid, That the Governor shall immediately order the men commonly called nine months men and heretofore raised by virtue of an act of Assembly of this State, to march immediately to join the army under the command of General Lincoln.

VI. And whereas many persons lately draughted to march to the Southward to reinforce the army under General Lincoln, have failed or refused to march accordingly or after marching and continuing in service for some time have deserted and returned home, be it therefore enacted by the authority aforesaid that the Colonels or Commanding Officers in their respective Counties shall order all such persons to march agreeable to the orders issued by his Excellency the Governor, and if any person so ordered shall fail to comply, he shall be subject to the pains and penalties in such case by the Laws provided for regulating the militia of this State.

VII. And be it further Enacted by the authority aforesaid, that the volunteers and drafted men by this act directed to be raised shall be formed into two Regiments to be commanded by militia officers and that the Field Officers and other Officers necessary for the command of one of the said Regiments shall be taken out of the Districts of Hillsborough and Salisbury, and the officers necessary for the other Regiments from the Districts of Halifax, Edenton, New Bern and Wilmington agreeable to the Militia Law.

VIII. And be it further Enacted by the Authority aforesaid, That his Excellency the Governor be Directed to grant Warrants on the Treasurer's or either of them to the Colonels or Commanding Officers in their respective Counties for so much money as shall appear to him to be necessary to pay the bounty proposed and held out by this Act to Volunteers and Drafted men taking bond and security for faithfully applying and accounting for the same.

IX. And be it further Enacted by the authority aforesaid, that if any Colonel or commanding officer shall advance the bounty by this Act directed to be paid to the Volunteers and drafted men, such Colonel or Commanding Officer shall be entitled to receive the sum by him so advanced with six per centum Interest thereon out of the public Treasury on Settlement of his account with the General Assembly.

X. And be it further Enacted by the Authority aforesaid, That the Governor with the advice of the Counsel shall be impowered to order the drafted men and also the Volunteers hereby directed to be raised, to the Assistance of our neighbouring State and without the limits of this Government whenever our own safety or the necessary defence of our neighbouring States shall require.

XI. Provided always, That this Authority so invested in the Governor and Council of this State shall not be considered longer to continue than during the term this act shall be in force and this act shall continue in force for the term of six months and no longer.

CHAPTER III.

An Act for Ascertaining what Property in this State shall be deemed Taxable Property, the Method of Assessing the same, and Collecting the Public Taxes and other Purposes.

I. Whereas the levying a Tax by General Assessment on property will tend to the ease of the Inhabitants of this State.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that all Lotts and Lands with their Improvements, Slaves under the age of Sixty Years, Horses, all Cattle from one year old and upward, Money, Money at Interest, and Stocks in Trade of every kind wherever the same may be, all Bonds, Notes and other obligations, which bear or include Interest, shall be held and deemed taxable property liable to be assessed and the Taxes laid thereon by law collected agreeable to the Directions of this Act.

III. Provided, that the words "Stock in Trade" shall not be construed to extend to materials which any Trademan or Manufacturer may have on hand for carrying on such Trade or Manufacture.

IV. And be it further enacted by the authority aforesaid, that the several County Courts in this State shall at their respective Courts to be held after the first day of April next, and so at such Courts yearly and every year, lay out their respective Counties into moderate and convenient Districts and shall appoint a Justice of the Peace in each District to receive from every Inhabitant thereof a just and true account on oath of all the taxable property within this State which such person was possessed of in his own right, or as Agent, Factor, or Attorney for any other person on the first day of April then last past, distinguishing the ages of the slaves; and every Inhabitant of the respective Districts of each County in this State shall within one month after such court return on oath to the Justice appointed to receive the same a just and true account of all such articles as by this law are declared to be taxable property which he was possessed of as aforesaid on the first day of April then last past, which account shall be immediately delivered by the justice receiving the same to the persons appointed to ascertain the value of the taxable property of the Inhabitants of such County, together with an account of the taxable part of his own estate upon oath and the said Justice of the Peace is hereby required to administer to every person delivering such account as aforesaid, the following oath: I, A. B., do swear that the list by me now delivered contains a just account of all the Lotts, Lands and their improvements, slaves under sixty years of age, Horses, Cattle from one year old and upward, Money, Money at Interest, Stock in Trade, Bonds, Notes, and other Obligations which bear or include Interest, which to me belonged or were in my possession as Agent, Factor or Attorney on the first day of April last without deductions for any demands against me, and that I have not directly or indirectly lent or conveyed away any part of my property with intent to evade payment of the tax to which by law the same is liable, So Help Me God."

V. And be it further Enacted by the authority aforesaid, That the said County Court shall annually appoint in their respective Counties as many honest and intelligent Freeholders as they shall think proper, provided the whole shall not exceed fifteen in number, and to every three of the said number such portion of the County shall be assigned to be assessed as the County Court shall think fit, who shall on oath, to be administered by any justice of the peace, value each individual part of the taxable property of

every inhabitant of such county (negroes and cattle not excepted) as near as may be to what they suppose the same would separately and distinctly then sell for at public sale for the Currency of this State, and make return thereof to the next succeeding County Court, and in case they cannot all agree in such valuation, the agreement of any two shall be valid, but where they shall all differ in opinion respecting the value of any kind or part of Taxable property then and in that case the valuation of each of the said persons shall be added together, and the third part of all the three sums shall be deemed the value of the said property and returned to the Court accordingly. And such Assessors shall make a due, particular and faithful return of all rateable property and in such return shall specify that the several tracts of land belonging to each Individual, the quantity they contain, the County wherein they lie, and the Clerk of each County Court shall send a fair copy of all such returns to him made to the General Assembly annually under the penalty of five hundred pounds.

VI. And whereas doubts have arisen whether lands which have been entered in the Land Office and for which Deeds have not yet been obtained, should be deemed taxable property;

VII. Be it Enacted by the authority aforesaid, that where any person or persons have heretofore made or shall hereafter make entries of Land in the Land Office of this State agreeable to the Act in such cases made, and where no caveats have been entered against such entries, that then and in that case such lands shall be given as taxable property and assessed accordingly; provided always, that this clause shall not affect any Lands subject to the operation of the confiscation law, all entries of which are hereby declared null and Void.

VIII. Provided nevertheless, that all cattle from one year old and upwards, shall be, and they are hereby rated at ten pounds per head, that all slaves under five years of age and all who are between the ages of fifty and sixty shall be rated at one hundred and fifty pounds each, all slaves of five years old and under ten years, and all between the age of forty and fifty shall be rated at four hundred pounds each, and all slaves of ten years old and upwards not exceeding the age of forty years shall be rated at seven hundred pounds each; Provided nevertheless, that slaves disabled by bodily infirmities or void of reason, such incapacity to be adjudged and certified by the County Court, shall not be considered as taxable property, nor given in as such by the respective proprietors. And the persons so appointed to value the taxable property of such Inhabitants shall respectively, previous to their valuing the same, take before some Justice of the Peace the following oath: "I, A. B., do solemnly swear that I will faithfully and to the best of my Information and understanding, according to law, value and appraise the taxable property directed by law to be valued and appraised of the Inhabitants of the County wherein I am appointed for that purpose. So Help Me God."

IX. And be it further Enacted by the authority aforesaid, that in case any person or persons, his, her, or their attorney, agent or factor shall fail or refuse in due time to give in to the Justice of the Peace appointed to receive the same, on oath an account of all his, her or their taxable property agreeable to the directions and true intent and meaning of this act it shall and may be lawful for the assessors in their respective Counties to value and appraise to the best of their knowledge the taxable property of the person or persons so failing or refusing as aforesaid, and the tax on all such property shall be four fold the sum which such amount of taxable property

for that year would otherwise have been liable to and shall be collected and accounted for as other public taxes.

X. And be it further Enacted by the Authority aforesaid, that every freeman in this State of the age of twenty-one years and upwards (other than soldiers in the service of the Continent or of this State) who shall not possess the value of four hundred pounds in taxable property shall pay annually, in lieu of assessment on property, a poll tax equal to the tax for that year on four hundred pounds taxable property which shall be collected and accounted for as other taxes mentioned in this act.

XI. Provided nevertheless, that married men who are not possessed of one hundred pounds of taxable property shall pay annually in lieu of assessment a poll tax equal to the tax for that year on one hundred pounds.

XII. And be it further Enacted by the authority aforesaid, That the Sheriff of each respective County shall collect the public tax and after deducting five per cent for his commissions, pay the same into the hands of one of the Public Treasurers of this State on or before the first day of April in each year and the said sheriffs respectively, shall previous to their collecting any of the public taxes enter into Bond in the Court of his County with two or more sufficient securities in double the amount of the tax assessed in his county payable to the Governor or Commander in Chief, with Obligation that he will well and truly account for and pay to the Public Treasurers all such sums of money as he is liable for, agreeable to the directions of this act, and in case any Sheriff shall fail to collect, account for and pay the public Taxes as by this act directed, such Sheriffs shall forfeit his Commissions and be liable to pay the whole sums which he ought or should have collected and when any Sheriff shall be in arrears it shall be lawful for either of the Treasurers and they are hereby required to move for judgment on the Bond of such Sheriff in any Court having Cognizance thereof, and such Court upon due proof before them made that ten days previous notice had been given to such Sheriff or his Securities, such Court shall cause the Sheriff to be called, and if he shall appear and contest the same, the Court shall order an issue to be speedily made up and tried by a jury and shall give judgment and award execution accordingly but where such Sheriff shall fail to appear the Court shall cause a jury to be sworn to inquire what arrears are due and shall give judgment and award execution accordingly.

XIII. And be it further Enacted by the authority aforesaid, that in order to collect the public taxes with ease and convenience to the Inhabitants the Sheriff of each County in this State, after giving due notice thereof, shall within two months after the Court to which the Assessors shall make their return, annually attend two Days in each District in their respective Counties to receive from the Inhabitants of such district their public taxes; and in case any person, after being lawfully taxed as aforesaid, shall neglect or refuse to pay the sum he shall be so taxed, on or before the first dy of January in every year, such Sheriff may and they are hereby impowered to levy the same by Distress and Sale of the Goods and Chattels of such Delinquent and shall be entitled to take and receive for such Distress the sum of two Dollars and no more; Provided, that no Distress shall be made on slaves without the consent of the owner thereof if other sufficient personal estate can be found, and the respective County Courts shall transmit yearly to the Secretary's Office an exact account of the valuation on assessment and of the rated property in their respective Counties, which account shall be signed by the presiding Justice in such Court and certified by the Clerk thereof.

XIV. And be it further Enacted by the authority aforesaid, and it is hereby provided that where it shall appear to the Sheriff that any person in his County is about to remove himself and effects out of the said County, that then it shall and may be lawful for the said Sheriff to distrain on so much of the goods and chattels of such person as will fully pay his taxes for that year and the Charges of such Distress.

XV. And be it further Enacted by the authority aforesaid, that the Justices of the respective County Courts who shall fail or neglect to lay out their respective Counties into Districts as directed by this Act, or fail or neglect to appoint a Justice of the Peace for each District, the accounts of the taxable property of the Inhabitants thereof or fail to appoint Constables to warn the Inhabitants of each District to give in on oath to the Justices appointed to receive the same on account of their taxable property, and every justice of the peace who shall be appointed to receive lists of taxable property from the Inhabitants of their respective Districts or any of them, or any of the persons to be appointed to value the property of the inhabitants aforesaid who shall refuse or neglect to do and perform the several and respective duties required of them by this act or any of them, the person or persons so refusing or neglecting shall forfeit and pay for every such refusal or neglect the sum of five hundred pounds good and lawful money of the State to be recovered by Action of Debt in the name of the Governor and applied to the use of the public.

XVI. And be it enacted that any three Justices of any County on the death, inability, removal or refusal to act of any of the Justices appointed by the County Court to receive lists of taxable property from the Inhabitants of said County, or any of the Assessors appointed to value the taxable property aforesaid, shall and they are hereby impowered and required to appoint other justices or assessors in the stead of those so refusing to act, dying, removing or being disabled.

XVII. And be it further enacted by the authority aforesaid, That Inventories of the Estates of Testators, Intestates, Minors, and other persons having in possession the taxable property of persons residing out of this State and absentees shall be delivered by the Executors, Administrators, Guardians, Agents, Attorneys or other persons having possession of taxable property belonging to persons resident out of this State in the same manner as the estates of other persons, and on refusal or neglect shall be valued as aforesaid and the tax shall be levied of the proper estate of such person or persons aforesaid; any Law, Usage or Custom to the Contrary notwithstanding.

XVIII. And be it further Enacted by the authority aforesaid, that the real Estates of persons residing out of this State or inhabitants thereof who have not any personal property therein, shall be assessed yearly by the persons appointed to value the estates of the Inhabitants, and a particular and separate return thereof made to the County Court, and if the assessment thereon shall not be discharged within one year after the same becomes due then such estate or so much thereof as may be necessary to discharge the several assessments, with all contingent charges, shall be sold by the Sheriff of the County wherein the same shall lie by order of the County Court; any law or usage to the contrary notwithstanding, and the taxable part of the estate of the persons appointed to value the property of the inhabitants of each respective County in this State shall be valued and appraised by the Court of the County wherein they reside and the Sheriff

shall collect and account for the same with the public Treasurer as for other taxes.

XIX. And be it further Enacted by the Authority aforesaid, that the respective County Courts in this State may allow the assessors of taxable property reasonable satisfaction for their services, which allowance being certified by the Clerk of such Court shall be paid by the Sheriff of such County, who shall be allowed for the same in the settlement of his public accounts and may also allow the persons appointed to summons the inhabitants to return to the Justices inventories of such property a reasonable sum annually out of the Contingent County Tax as a recompence for such services.

XX. And be it further enacted by the authority aforesaid, that every person holding lands by Title of Dower, Courtesy or other Estate for life or on lease for five years or more shall pay all such taxes as shall be on the same assessed in like manner as other owners of land are required by this Act.

XXI. And be it further Enacted by the authority aforesaid, That the Moravians, Quakers, Minonists, and Dunkers shall pay a three fold tax and all others who shall refuse to take an oath of Allegiance as the Law directs, shall also pay a three fold tax, and if any person coming within either of the aforesaid denominations, or refusing to take the oath as aforesaid, shall fail to return an inventory of his taxable property, according to law, the person so failing shall pay four times the tax which shall be assessed on persons in this State who comply in every respect with the laws thereof.

XXII. And be it further enacted by the authority aforesaid, That where it shall have so happened that any county in this State or any District of a county in this State, or any individual by any means whatsoever have failed, refused or neglected to give in Inventories of their property or contribute and pay their proper taxes due by act of Assembly for the year one thousand seven hundred and seventy eight now last past, that all such Counties, Districts and persons shall be taxed and liable to pay two pence in the pound on the value of their or his taxable property over and above what the other persons in this State who paid their taxes the last year shall be liable to.

XXIII. And be it further enacted by the authority aforesaid, That an Act entitled an Act for levying a tax by general Assessment and other purposes, passed at New Bern in April one thousand seven hundred and seventy seven; and also an Act passed at New Bern in November one thousand seven hundred and seventy seven, entitled an Act for amending an Act entitled an Act for levying a tax by assessment, and other purposes, be and the same are hereby repealed and made void.

CHAPTER IV.

An Act to Regulate and Ascertain the Fees of Clerks in the Superior and County Courts, Justices of the Peace and Attornies in this State and directing the method of paying the same, and other purposes.

I. Whereas it is absolutely necessary that the fees of Clerks in the Superior and County Courts, Fees of Justices of the Peace and Attornies be regulated and ascertained,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the future the following fees only shall be received by the Clerks of the Superior and County Courts and no other or greater fees, or charges, whatsoever,

shall be deemed or construed by the former Acts of Assembly, to-wit:

III. For every leading process returned to the first Court and all subsequent process, Appearances, Pleas, Rules, Orders, and other services necessary thereon until making up an issue inclusive and also for Dismission or final judgment, where either happens, or for confession of judgment to the Clerk of the Court forty shillings, for every Continuance or reprieve of every cause, after the second Court including all fees, for every Service necessary thereon, eight shillings. For the Court at which the Cause is determined including all fees for every necessary service thereon, and entering final judgment inclusive, twenty shillings over and above the fees above mentioned. For every subpoena, provided that the party insert no more than four witnesses in the same, four shillings. For every execution or order of sale, when necessary, issued and returned, including all services thereon Taxing Costs and Copy and Entering Satisfaction, Sixteen Shillings. For every scire facias against Bail, with making up an issue thereon, or Entering Judgment without plea, including all fees for every service thereon (provided that the party having costs shall not be subject to this unless the scire facias is necessary and required by the plaintiff) sixteen shillings. For giving a copy of the record of any cause when demanded by either of the parties, twelve shillings. For every order or rule of Court made or matters foreign to the suits pending in Court, and copy thereof when demanded five shillings and four pence. For entering on the minutes the probate of a Will, qualifying Executors, making Certificate, recording the will and giving copy thereof, twenty-four shillings.

IV. For granting Administration, taking bond and all other services thereon, twenty-four shillings. For all services necessary to be done by the Clerk of the Court towards issuing Letters of Administration or Letters Testementary, Ten Shillings. For all services, proving, recording and filing an Inventory, account of sales or account current exhibited by an executor, Administrator or Guardian, or for each Copy and Certificate of the same, if the estate be under one hundred pounds value, four shillings; if above one hundred pounds value, eight shillings For every marriage license and bond and all other necessary services thereon, sixteen shillings. For ordinary license and Bond and all the services necessary to be done thereon, ten shillings. For tavern rates, five shillings. For searching a record out of Court, two shillings. For proving or entering acknowledgment of a Conveyance of Land or other estate and certifying the same with the order of registration, and examination of a feme covert, without Commission five shillings. For a Commission to take the examination of a feme covert or witnesses in any Cause depending in the Superior Court, the return thereon, entering and all other services necessary thereon, eight shillings. For Guardian or other Bonds taken in Court and for receiving the same and all other services necessary thereon, every fee relative thereto included, eight shillings. For Indentures for Binding out Apprentices, making order thereon, and filing and recording the same including all fees for every service necessary, ten shillings. For a special venira facias in an action of Ejectment or where the Bounds of Lands shall come in question when the said writ shall be issued, Sixteen Shillings. For a special verdict, or Demurrer, or motion in arrest of Judgment and agreement thereon, Eight Shillings. For Writ of Error, Appeal or Certiorari with a transcript of the Record, and all services thereon twenty shillings. For making out certificates of witnesses or jurymen's attendance, one shilling. For recording a Mark or Brand and granting Certificate thereof if required, three shillings.

V. And be it further enacted by the authority aforesaid, that all the services to be done by the Clerks of the Superior and County Courts within this State for which fees are not provided in this act shall be deemed and construed ex-officio services for which the Clerks shall demand no fee or reward whatsoever, except what shall be allowed such Clerks by the County Courts of their respective Counties for such services.

VI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Clerks of the Superior and County Courts on the fees not being paid by the party from whom they are due to make out execution directed to the Sheriff of the County where the party resides, and the said Sheriff shall levy the same by virtue of the said execution as in other cases and to the said execution shall be annexed a copy of the Bill of Costs of the fees on which such execution shall issue, wrote in words at length without any abbreviation whatsoever, and all executions issuing without the copy of such bill of costs annexed, shall be deemed illegal, and no sheriff shall serve or execute the same.

VII. And be it further enacted by the authority aforesaid, that whenever it shall be the opinion of the Court that the party praying a continuance shall not obtain it without payment of all costs attending the same, the whole of these costs shall be paid before the continuance is granted, and the party paying such costs shall not be entitled to recover them although the judgment of the Court should finally be in his favour.

VIII. And be it further enacted by the Authority aforesaid, that if any person shall hereafter conceive himself aggrieved by any Clerk of the Superior or County Courts in Taxing or charging other or greater fees than by this act allowed, it shall and may be lawful for such person aggrieved either by himself or his attorney to complain to the Court where such offender is clerk and the said court at the term to which such complaint shall be made shall take such matter into their consideration and the same shall be tried by a jury and if the Jury shall find the complaint to be true and that the party guilty of the misdemeanors alledged against him then the said Court shall not only order immediate restitution to be made to the party injured together with all costs and Damages, but also may, and they are hereby required to set such fine as they shall think proper on such Clerk not exceeding the sum of one hundred pounds and the Court shall commit such Clerk to Gaol if he refuses or delays to obey their judgment there to remain until he has satisfied the party injured agreeable to the judgment of the Court, and also paid the fine inflicted on him to the Sheriff which fine shall be applyed towards defraying the contingent charges of the County.

IX. And be it further enacted by the authority aforesaid, that it shall and may be lawful for every justice of the peace in the State to take and receive the following fees for business done out of Court, to-wit: For every original attachment granted, taking bond thereon Included, ten shillings. For every warrant, two shillings. For all the subpoenas in any one suit, two shillings. For every judgment, two shillings. For every execution, two shillings, and every Justice of the Peace taking, receiving or Demanding any greater Fee or Reward for any of the above Services shall forfeit and pay twenty pounds for every offence, one half to the Person injured the other half to be applyed towards defraying the Contingent Charges of the County where the offence is committed to be recovered by Action of Debt in the County where such Justice shall reside.

X. And be it enacted by the authority aforesaid, that all fees by this act

directed to be paid to the Justices of the Peace shall be taxed in the Bill of Costs and shall be paid by him who fails in his suit, or against whom a recovery shall be had.

XI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for each and every attorney at law to take and receive from their respective Clients the following Fees, to-wit: For every action in the Superior Court except where the title of bounds of Lands come in question, Ten Pounds. For every such action in the County Court, Five Pounds. For every real Action or such as respects the Titles of Lands, Twenty Pounds. For every Petition for the Recovery of Legacies and Filial Portions, or Distributive shares, of Intestates Estates, if in the Superior Court, ten pounds; if in the Inferior Court, Five Pounds. For every opinion or advice in writing in matters cognizable in the Superior Court where no suit is or shall be brought and prosecuted or defended by the attorney giving such advice but not otherwise, Four Pounds. For every opinion or advice in writing in matters cognizable in the County Court where no suit is or shall be brought and prosecuted or defended by the Attorney giving such advice but not otherwise, two pounds.

XII. And be it further enacted by the authority aforesaid, that from and after the passing of this act it shall and may be lawful for the Sheriffs within this State to have the following fees: For every arrest, sixteen shillings; for taking bail Bond, three shillings; for serving a Copy of a Declaration, four Shillings; for Whipping any Person, Eight Shillings; for serving a subpoena for each person named in the same, eight shillings; for Pilloring any person, sixteen shillings; an attachment, the same as if for an arrest, and if further Trouble by moving Goods to be Taxed by the Court, executing a Warrant of Distress, or an execution against the body or goods, if not above Ten Pounds for each pound three shillings, if above ten pounds. for each pound above one shilling, summoning, impannelling and attending on every Jury on every Cause in Court, Eight Shillings; when a special Venire shall Issue by Order of Court for Summoning each juror and attending the same, four shillings; Putting any Person in the Stocks and releasing, eight Shillings; for every commitment, eight Shillings; a Releasement, eight Shillings; Serving a writ of possession of land, Sixteen Shillings; Serving and attending on any Person on a habeas Corpus per day, Eight Shillings; calling every Action in Court, two Shillings.

XIII. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for every Constable within this State, to ask, Demand and Receive the following Fees, to-wit: For every Warant executed, Eight Shillings; for every Subpoena, three shillings; for every execution served, eight shillings; and at the same rate for every person where there shall be more than one mentioned in each warrant, subpoena or execution; for every attachment, eight shillings; Summoning a jury of Inquest for every Juror, two Shillings; Summoning evidences on the trial of Warrants for every person summoned, three shillings; and for attending any Superior or County Court if summoned by a sheriff, sixteen Shillings per day to be paid out of the County tax where such Courts shall be held.

XIV. And be it further Enacted by the authority aforesaid, That the register in each County in the State shall be entitled to have and receive Two Dollars for registering each Deed including Certificates thereof and Eight shillings for every Search & Certificate and for every other instrument of writing eight Shillings each.

XV. And be it further enacted by the authority aforesaid, That each At-

torney acting for and in behalf of the State in the respective County Courts shall and may take and receive for every Indictment or Presentment the sum of Five Pounds and on all Indictments found not true, the sum of two pounds ten shillings from the prosecutor; and the Clerk of the Court shall and may take and receive for every Indictment or Presentment the sum of two pounds, and for each Continuance, Ten Shillings, and Determination final, twenty shillings.

XVI. And be it further enacted by the Authority aforesaid, that the Clerk of each respective Court within this State is hereby directed and required to tax in every Bill of Costs where an Attorney shall have been actively employed by the party who shall recover, or be otherwise intitled to receive such fees as is by this Act allowed and no more.

XVII. And be it further Enacted, That if any Attorney in any Superior or County Court shall wittingly or willingly be guilty of any neglect in any cause, the Court before whom such Cause shall be depending, on Complaint and proof thereof made within six months after such neglect, shall have full power and authority to order such attorney to pay all costs occasioned by such neglect, and every Bill, Bond, Promise or other engagement of what Denomination soever, for the payment of any other or larger fees than before enumerated shall be utterly void and of no effect, any usage to the Contrary notwithstanding.

XVIII. And be it further enacted by the authority aforesaid, That the Sheriffs in each respective County in this State do supply with good and wholesome provisions all such persons other than prisoners of war who shall be Committed to their Care or Custody by any authority of this State and that he be allowed for the same, Eight Shillings per Day each, and that the said Sheriffs respectively do pay and allow out of the public moneys in their hands to every Prisoner of War who by order of any two Justices of the Peace shall be in his Custody or who shall be paroled to his county the following Sums, that is to say for each Commissioned Officer the sum of Four Dollars per day and to every other Prisoner of War the sum of two Dollars shall be accounted for by the Sheriff at the same time that he accounts for the County Tax.

XIX. And be it enacted by the authority aforesaid, that if any Clerk shall during the sitting of the Court whereof he is Clerk, demand other or greater Fees than by this Act allowed, the Court shall immediately on Complaint being made thereof, Determine what Fee or Fees shall be paid to the said Clerk, by the party Complaining. Provided that such Clerk shall have ten days notice in writing previous to the sitting of the Court where such complaint is intended to be made and that there shall be at least five justices on the trial of such complaint if in the County Court, and the notice shall be in these words or to this effect. "I intend to complain of you to the next court for taking more Fees in the Suit of ——— against ——— than the law allows." And a copy of this notice directed to the Clerk and signed by the Complainant, and proved by the oath of the person who served it, with a copy of the Bill of Costs from the Officer who levied the same shall be sufficient for the jury to ground their Verdict on and the Court to give Judgment in pursuance thereof without any other further process.

XX. And be it further enacted by the Authority aforesaid, That if any Clerk of any Court in this State shall hereafter be guilty of any breach or Neglect of Duty enjoined by Law either by his own Confession or verdict of the Jury, it shall on the second Conviction be deemed and adjudged a

misbehaviour in office for which such Clerk shall be suspended by the said Court. Provided, nevertheless, that in Case the Clerk shall be dissatisfied with the Determination of the County Court he may appeal to the Superior Court of the District, in which case there shall be a trial by jury where if the suspension of the County Court shall be confirmed the said Clerk shall ever after be rendered incapable of acting as Clerk of any Court of Justice in this State.

XXI. And whereas, great injustice is done to witnesses appearing in behalf of the State by their having no allowance for their attendance at the Superior and County Courts as such.

XXII. Be it therefore enacted by the authority aforesaid, That from the passing of this act such witnesses shall be allowed the same pay for their daily attendance as is allowed to witnesses attending upon civil prosecutions & such fees for allowance shall be paid by the Defendant upon Conviction, and if the State shall fail upon the prosecution of any offence if an Inferior Nature, the Court may at their Discretion order the costs to be paid by the Prosecutor in case Such Prosecutor shall appear to have been frivolese or malicious and in case the Defendant shall not be able to pay costs or the Court shall not think proper to order the prosecutor to pay the same, that then and in that case the Clerk of the Superior & County Courts shall grant a Certificate of Attendance to such witnesses in manner as tickets are directed to be granted to Witnesses in civil Causes and such Tickets may be received by the Sheriffs in payment of public Dues.

XXIII. And be it enacted by the authority aforesaid, That the Inspectors of pork, Tar, Pitch and Turpentine shall have and receive for their services the following Fees, to-wit: For inspecting a Barrel of Pork, six shillings; of Tar, ten pence; Pitch and Turpentine, one shilling and four pence.

CHAPTER V.

An Act to Carry Into Effect an Act, passed at New Bern in November, in the year one thousand seven hundred and seventy-seven, entitled, An Act for Confiscating the Property of all such Persons as are inimical to the United States; and of such Persons as shall not, within a certain Time therein mentioned, appear, and submit to the State whether they shall be received as Citizens thereof; and of such Persons who shall so appear, and shall not be admitted as Citizens, and for other purposes therein mentioned; and for other Purposes.

I. Whereas it is Enacted by the Act aforesaid, passed at New Bern in November, one thousand seven hundred and seventy-seven, That all the Lands, Tenements, Hereditaments and moveable Property within this State, and all and every Right, Title and Interest therein, of which any person was seized or possessed, or to which any Person had Title, on the fourth Day of July, in the Year one thousand seven hundred and seventy-six, who on the said Day was absent from this State, and every Part of the United States, and who still is absent from the same; or who hath at any Time during the present War attached himself to or aided or abetted the Enemies of the United States, or who has withdrawn himself from this or any of the United States after the Day aforesaid, and still resides beyond the Limits of the United States, shall and are hereby declared to be confis-

cated to the use of this State; unless such Person shall, at the next General Assembly which shall be held after the first Day of October, in the year one thousand seven hundred and seventy-eight, appear, and be by the said Assembly admitted to the Privilege of a citizen of this State, and restored to the Possessions and Property which to him once belonged within the same. And whereas, many Persons who come within the Descriptions of the aforesaid Act recited, or some one of them, have failed or neglected to appear before the General Assembly during the present Session, and submit to the State whether they shall be admitted as Citizens thereof, and restored to the Possessions which to them once belonged; whereby all such Persons have clearly incurred, and are become liable to the Penalties of the aforesaid Act:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the Authority of the same, That all the Lands, Tenements, Hereditaments, and moveable Property within this State, and all and every Right, Title and Interest therein, of every Person and Persons, who come within or are included by the Descriptions in the aforesaid Act, or either of them, shall be, and are hereby declared to be forfeited to the State, and shall be vested in the same, for the uses and Purposes hereinafter mentioned, and for no other Purpose whatsoever.

III. And be it Enacted by the Authority aforesaid, That three Commissioners shall be appointed by the County Court in each County, who shall give Bond, with three or more Sureties, in the Sum of two hundred and fifty Thousand Pounds, to the Governor for the Time being, for the Use of the State, for the faithful Discharge of their Duty, according to Law; and shall also take the Oath of Allegiance, and the following Oath, previous to entering on their Office:

I, A. B., do swear, that I will faithfully discharge the Trust reposed in me as a Commissioner, to the best of my Knowledge, according to Law; and that I will fully account for all Money or Effects that shall come to my Hands in Consequence of my Appointment, as the Law directs. So Help Me God.

And the said Commissioners, or a Majority of them, in their respective Counties, shall have full Power and Authority to take Possession of all Lands, Tenements, Hereditaments and moveable Property, in the Name and for the Use of the State, which by this Act are declared to be forfeited to the State, and shall give Receipts or Discharges, which shall forever indemnify and acquit the Persons delivering or paying the same, their Heirs, Executors and Administrators, against any future claim for the Articles or Money mentioned in such Receipts or Discharges.

IV. And in order to Discover all Property, real and personal, by this Act declared to be forfeited, Be it enacted by the authority aforesaid, That the said Commissioners, or any two of them, shall and may order the several Constables to summon all the Inhabitants in their respective Counties to appear before them at convenient Times and Places, to give in, on Oath, an Account of such forfeited Property; when they, or a Majority of them, being present, shall administer the following Oath or Affirmation to the Inhabitants so appearing:

I, A. B., do swear, or affirm, that this account by me rendered, contains a full and true Account, to the best of my Knowledge of all the Lands, Tenements, Hereditaments and moveable Property, in the County of ——— which belonged on the fourth Day of July, one thousand seven hundred and seventy six, or at any Time since, to any Person or Persons who come within

or are included by the Descriptions, or either of them, recited in the Confiscation Act, passed at New Bern in November, one thousand seven hundred and seventy-seven; and further that the said Account contains, to the best of my Recollection, the full Amount of all and every Sum and Sums of Money which now are by me, due and owing to any such Person or Persons, including Interest (if any) by Bond, Note or Account, or by Virtue of any Trust whatsoever;

And if any Person summoned as aforesaid shall fail to appear, or appearing, shall fail to render an Account as above mentioned, on Oath or Affirmation, as the Case may be, in such Case, the said Commissioners, or any two of them shall have Power to Commit such Person, if present, to close Gaol, until he shall comply with the Law; and if absent, shall issue a Warrant directed to any Sheriff or Constable, to apprehend and bring such absent Person before them, at any Place on a future Day, when if he or she shall refuse to render an Account on Oath as aforesaid, he or she shall also be Committed to close Gaol, until he or she shall render an Account on Oath or Affirmation as aforesaid; and the said Commissioners are hereby invested with power to administer the Oath, issue Warrants, and make Commitments, in Manner aforesaid.

V. And be it further enacted by the Authority aforesaid, That the County Courts shall have the same Powers to require and compel the Oath afore mentioned from the Commissioners themselves, which the Commissioners have respecting others, and the Commissioners shall account for any Money, or other Effects declared Forfeited by this Act, due by them, or in their Possession, in the same Manner as in other Cases.

VI. And be it further Enacted by the Authority aforesaid, That the said Commissioners shall enter in a Book, to be kept for the Purpose, all Lands, Tenements, Hereditaments, and moveable Property, forfeited by this Act, which shall come to their Knowledge or Possession, in their respective Counties, together with the names of the former Owners, and also whether the same, or any Part thereof, be claimed by any Subject of this State, or of any of the United States, and shall specify all Sums of Money due and owing by the Inhabitants thereof in Manner above mentioned, together with the names of the former Creditors, and the names of the Persons from whom the same are or shall be due, and whether the same be due by Bond, Note or Otherwise; and shall make Report of their Proceedings to every County Court which shall be held in their Counties respectively; And the several County Courts shall have power to remove such Commissioners, and appoint others if necessary, and also to fill Vacancies, occasioned by Death or Removal out of the County of any Commissioner, and the said County Courts shall and may order the Commissioners to rent such Lands, Tenements and Hereditaments in such Quantities, and for such Terms as they shall think best, so that no Tract exceeds Six hundred and forty Acres, and no Term one year, taking Bond and security in the name of the Governor for the Time being, for the Use and Benefit of the State; and the said Courts shall order all Negroes, or other Personal Property forfeited by this Act, to be sold at Public Auction, and at such Times and Places as the said Court shall think Proper, and the Commissioners shall thereupon proceed accordingly; and all Contracts and Sales made by such Commissioners, agreeable to the Directions of the said County Courts, and of this Act, shall be, and they are hereby declared good and valid, to all Intents and Purposes; Provided nevertheless, That the Wife, Child or Children of such Absentee or Absentees, now in or under the Protection of this State,

or the United States, shall be allowed so much of the Estate of such Absentee, as such Wife, Child or Children might have enjoyed, and have been allowed, if such Absentee had died intestate in this State, or any of the United States.

VII. Provided, that if it shall appear to any County Court that any Person, being a subject of this State, or of any of the United States, has or pretends to have any Right or Title in Law, to any Lands, Tenements, Hereditaments or moveable property, declared forfeited by this Act, such Court shall stay all further proceedings of the Commissioners thereupon, and shall send up a true and exact State of such Claim to the Superior Court of the District, which Superior Court shall proceed to inquire into and determine the Legal Right and Title of the Person so claiming, by Jury, in the same Manner as in Suits at Common Law, and such Determination when had shall be final, and the Clerk of the Superior Court shall transmit a Copy thereof to the County Court wherein the Dispute originated, which shall proceed according to such determination.

VIII. Provided, also, that if any Real or Personal Estate belonging to any Orphan or other Person, not comprehended or included by the Descriptions in the Act aforementioned, or either of them, shall be sold by Virtue of this Act, such Orphan or other Person, notwithstanding he, she or they shall have failed or neglected to exhibit such Claim to the County Court previous to the sale, shall on due and sufficient Proof made before the General Assembly, be entitled to receive the whole amount of the Sales, with Six per cent Interest thereon.

IX. And Provided, likewise, that all Persons being Subjects of this State, or of any of the United States, and having just Claims or Demands against any Estate or Estates declared forfeited by this Act, and actually Sold or Converted to the Use of the State in Consequence thereof, shall, upon due Proof made before the General Assembly, be entitled to receive their several Demands, if the Sales or Uses be sufficient, but if not, shall receive in Proportion to their several Demands.

X. And be it further Enacted by the Authority aforesaid, That the Commissioners in their respective Counties shall have the same Powers and Authorities to Demand, make Distress for and receive all sums of Money due and owing by the Inhabitants thereof, and declared forfeited to the State by this Act; and shall be subject to the same Pains, Penalties and Restrictions, and shall account with the Public Treasurers for the same, and also for all Money arising from Rents of Lands, Hire of Negroes or Sale of Perishable Property, at the same Times, and in the same Manner as Sheriffs or County Treasurers have or are liable to by Law for the Collecting and accounting for public Taxes; and shall have and receive for their Services at the Rate of two per Cent each.

XI. And Provided also, that if any subject of this State, or of any of the United States, has any demand against any Person subject to the Penalties of this Act, and such Person has not Personal Estate sufficient to satisfy such Debt or Demand, that then so much of the real estate of such Person shall be sold as will be sufficient to satisfy and discharge such Debt or Debts; and the County Courts respectively are hereby Authorized to examine into any such Claims, and to order Juries to try the same, and to award Judgment and Execution as the case may require.

XII. And be it enacted by the Authority aforesaid, That all Entries already made, or which shall hereafter be made, of any Lands, Tenements, or Hereditaments which come within the Meaning of the Confiscation Act,

passed at New Bern in November in the Year one thousand seven hundred and seventy-seven, or of this Act, shall be utterly void and of none Effect.

Provided, that nothing contained in this Act shall be construed to invalidate or repeal any part of an Act passed during this present Session of the General Assembly, entitled An Act to Enable the Inhabitants of a Tract of Land lying in Mecklenburg County, known by the name of Governor Dobbs's Tract, Number Five, to make Entries thereof, and obtain Titles for the same.

XIII. And be it further Enacted by the Authority aforesaid, That the Clerk of each and every County Court shall transmit to the General Assembly, a complete Transcript of the Report or Reports of the Commissioners in their respective Counties, and of the Proceedings of such Courts thereupon, under the Penalty of five hundred Pounds, to be recovered by Action of Debt, in the name of the Governor for the Time being, and applied to the Use of the State.

XIV. And whereas, many persons who heretofore refused to take the Oath of Allegiance to this State, and were compelled to leave the same in Consequence thereof, by Virtue of an Act of Assembly, passed at New Bern in April, in the year one thousand seven hundred and seventy-seven, entitled, An Act for declaring what Crimes and Practices against the State shall be Treason, and what shall be Misprison of Treason, and providing Punishments adequate to Crimes of both Classes and for preventing the Dangers which may arise from Persons disaffected to the State; and of another Act passed at New Bern in November in the year one thousand seven hundred and seventy-seven, to amend the aforesaid Act; have failed or neglected to appoint Lawful Agents or Attornies to receive and give Discharges for Debts due and owing by the Inhabitants of this State to Persons who so departed therefrom, whereby many honest and well meaning people are defeated of an Opportunity to discharge such Debts, Be it therefore further enacted by the Authority aforesaid, That the said Commissioners, or either of them, in their respective Counties shall have full Power and Authority to receive and give Discharges for all such Debts as the Inhabitants thereof shall voluntarily offer to pay; and such Discharges shall forever indemnify the Persons paying the same against him, her or them, to whom the same were due, to the Amount specified in such Discharges; and the said Commissioners shall return a separate Account of their Proceedings herein to every County Court, specifying the Creditor's Name, that of the Person paying the Debt (whether due by Bond, Note or Account) the amount thereof, and shall be liable to the same Pains, Penalties and Restrictions, for faithfully accounting for and paying the same, as hereinbefore provided in other cases.

XV. And whereas it may happen that many Absentees from the State may have left Fathers or Mothers in advanced Age, and whose sole Dependence for their Subsistence has been upon the Property and Filial Attention of their Children; and unless some Provision is made to allot some Part of the Property of such Absentees to the Support of such Aged, Indigent Persons, they must be reduced to the most abject Wretchedness, Be it therefore Enacted by the Authority aforesaid, That when any such Indigent Person, Father or Mother, shall make application to the Superior Court of the District where such Person shall reside, such Superior Court is hereby empowered to set off and allot to such aged Parent such Part or Portion of the Estate of the Absentee as such Aged Person hath heretofore been accustomed to receive and enjoy, and as much more as shall be necessary

for the Subsistence of such aged or infirm Parent; such Allowance to invest only an Estate for the Life of such aged and infirm Parent.

CHAPTER VI.

An Act to amend An Act entitled, An Act to amend an Act for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for ascertaining the method of obtaining Titles to the same, and for other purposes therein mentioned.

I. Whereas it is enacted and provided by the Act before mentioned, passed at New Bern in November, one thousand seven hundred and seventy-seven, that every person and persons, and his or their Heirs or Assigns, who in the office of the late Earl Granville, or in the late Public Land Office, have heretofore made any Entry or Entries, or who since the Death of the said Earl Granville have possessed, and actually improved any vacant or unappropriated Land, for which no Just Claim by Entry in any Office shall have been made, shall be entitled in preference to all others, to enter or obtain a grant or grants for the same, so that such entry or entries be made on or before the first day of January, one thousand seven hundred and seventy-nine; and whereas Doubts, Difficulties and Injustice have frequently arisen in consequence of the aforesaid Provision; For Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the Authority of the same, That from and after the Passing of this Act, in the Trial of any Dispute which has already arisen, and remains undetermined, or which may hereafter arise, for Preference of entering and obtaining a grant for unappropriated Land, if it shall appear that any Person hath seated himself on Lands within the Bounds of any former Entry or Survey, and for which no Grant was ever obtained, and hath improved and continued in peaceful possession of the same, by himself, or some Person for him, for seven Years, without interruption by or from the person claiming, or Declaration of Rights to the Person so possessed under such Entry or Survey, in such case, the person claiming under such former entry or survey, shall be forever barred of his right of entry of the Land in Question, and the Preference shall be given to him who settled on, and continued in peaceable possession of the same, his Heirs or Assigns; any Law to the Contrary notwithstanding.

III. And in order to explain what shall be considered as an improvement of Land, Be it Enacted by the Authority aforesaid, that no person shall hereafter be entitled to any preference of entering or obtaining a Grant for unappropriated Land under pretence of Improvement thereof, unless it shall appear upon the trial that such Claimant had previous to his application for Entry, erected a House thereon, or cleared, enclosed and cultivated a part thereof.

IV. And be it further Enacted by the authority aforesaid, That if any person shall think himself aggrieved or injured by the Determination of any County Court, in any future Trial respecting the vacant or unappropriated Lands, such person shall have a right to appeal to the Superior Court of the District wherein such Lands lie; and such County Court is hereby authorized and directed to grant such Appeal and transmit the Proceedings to such Superior Court, the Appellant first giving Bond and Security to prosecute such Appeal with effect.

V. And for the better ascertaining the power, and directing the Duty of

Surveyors, Be it enacted by the authority aforesaid, That it shall and may be lawful for each and every Surveyor in this State, in his respective County, to appoint a Deputy or Deputies, who shall previous to entering on the execution of his or their office, be qualified in a similar Manner with the Surveyor; and the Surveyor making such appointment shall be liable and accountable for the Conduct of such Deputy or Deputies in the same manner as for his own conduct in office.

VI. And be it further Enacted by the authority aforesaid, That where it shall happen that the Bounds of two or more Entries join or intersect each other, the Surveyor shall, and he is hereby required to survey such Entries in turn, the eldest being first surveyed, provided such entry be not caveated; but when that shall be the case it shall not be lawful for the Surveyor to survey either of the entries so joining or intersecting each other, until a final determination be had on such Caveat.

VII. And be it further enacted by the authority aforesaid, That every Surveyor in this State shall, and he is hereby required to return all Warrants of Surveys to him directed according to Law, within twelve months after receiving the same, under the Penalty of One Hundred Pounds for every Default; to be recovered by Action of Debt by any Person suing for the same, before any Jurisdiction having Cognizance thereof, and applied to his own Use.

VIII. And be it Enacted by the authority aforesaid, That so much of the Act passed at New Bern in November, one thousand seven hundred and seventy seven, for establishing Offices for receiving Entries of Claims for Lands in the several Counties within this State, for Ascertaining the Method of obtaining Titles to the same, and for other purposes therein mentioned; and of the Act passed at New Bern in April, one thousand seven hundred and seventy eight, to amend the aforesaid Act, as comes within the Purview of this Act, shall be, and are hereby repealed.

CHAPTER VII.

An Act for Appointing Naval Officers at the different Ports of this State and directing their Duty in Office; and for other purposes.

I. Whereas, the resolutions of the General Assembly and of the Governor and Council of this State for prohibiting the exportation of any kind of produce are rendered ineffectual for want of a Law to enforce Obedience thereto and whereas the laws for the regulation of Trade cannot be observed unless there are Officers appointed for that purpose and therein duly ascertained.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Naval Officers for the Ports of Currituck, Roanoke, Bath, Beaufort and Brunswick, shall be chosen by the General Assembly by Joint Ballot of both Houses and shall be commissioned by the Governor for the time being and shall each give bond payable to the Governor, and his successors in the sum of two thousand pounds for the faithful discharge of his duty in office, which bond shall be lodged in the Secretary's Office, and upon a breach thereof shall be assigned by the Governor for the time being to the party injured, who shall and may maintain a suit thereon in his own name, and shall not become void upon the first recovery, or if judgment be given for the

Defendant, but may be put in Suit from time to time by action of Debt, until the whole Penalty shall be recovered.

III. Provided nevertheless, that nothing herein contained shall vacate the appointment of such naval officers as have been heretofore appointed by the General Assembly and have qualified, given bond and received commission from his Excellency the Governor as the Law directs and who are now in the execution of such office, all which said officers are hereby declared to be during their good behaviour; Naval Officers in the respective ports to which they have been appointed as aforesaid.

IV. Provided always, That the naval officers which have been heretofore appointed shall also give bond as aforesaid in the sum of two thousand pounds.

V. And be it enacted by the authority aforesaid, That any person to be appointed a naval officer as aforesaid, before entering upon the execution of his office shall swear that he will well and truly execute the said office without prejudice or partiality & to the best of his knowledge agreeable to law which oath may be taken before the Governor, any of the Justices of the Court of Equity, or the Superior Courts, or in any Court of Law in the District or County where he may reside.

VI. And be it Enacted by the Authority aforesaid, That the naval officers may take the following fees for their services and no more, to-wit: For filling up, signing, sealing, taking the probate of, and issuing every Register the sum of Four Dollars; for entering and clearing every decked vessel under twenty tons Burthen, for administering the Oath, taking Bond, and all other necessary services Included, five pounds; and for every vessel of Twenty Tons Burthen and upwards including all necessary services, the sum of six pounds; and for every permit or clearance for any vessel, going from one port to another, either within the State or to a neighboring state, through an Inland navigation, the sum of forty shillings.

VII. And be it further Enacted by the authority aforesaid, That every naval officer shall on the receipt of any fees, give to the person paying the same (if demanded), a ticket of such fees with a receipt for the same under the penalty of forfeiting for each refusal, the sum of fifty pounds, and that all persons may Know what fees are due to the said officers,

VIII. Be it further enacted by the authority aforesaid, That the several naval officers in this State, shall within three months after the ratification of this Act, put up publicly in their respective offices, a table of the fees that may legally be taken by them according to the Directions of this Act, and shall continually keep up the same under the penalty of paying for each day such table shall not be so kept up, the sum of twenty shillings.

IX. And it is hereby declared and Enacted by the Authority aforesaid, That if any naval officer shall demand, extort, exact or receive under color of his office, any other or larger Fees than what is particularly mentioned in this Act or shall refuse to do the particular service for the Fee or Fees in this Act expressed, such naval officer for every such offence, shall forfeit and pay the sum of one thousand pounds.

X. And be it further Enacted by the authority aforesaid, That every master of a Vessel shall within forty eight hours next after his vessel shall arrive in any harbour of any of the aforesaid ports, make report and Entry with the naval officer of such port, or his Deputy, and shall if required deliver on Oath to such officer, his Register and other papers belonging to his Vessel, and also a Manifest of the cargo which be brought into this State in such vessel, under the penalty of one hundred pounds Current

Money of the State, to be recovered in the Court of Admiralty with costs, and applied one half to the use of the Informer and the other half to the use of this State.

XI. And be it further Enacted, that in any case any person shall presume to take on board for exportation any kind of grain or other provisions, which at that time may be prohibited, exportations by embargo or otherwise, or shall attempt to export any provisions which at the time of making such attempt was prohibited, or shall attempt to leave the port without applying to the officer of such port for a permit or Clearance, such person shall on conviction in the Court of Admiralty, forfeit and pay for every such offence the sum of five Hundred pounds current Money of this State, together with the article, or articles so prohibited, to be applied one half to the use of the Informer and the other half to the use of this State and shall be further liable to pay the costs of the Court; anything in any Law heretofore made to the contrary notwithstanding.

XII. And be it further enacted by the Authority aforesaid, That the severest penalties in this act mentioned, to which the naval officers may be liable, shall and may be recovered by Action of Debt in any Court of Record, by the person or persons grieved, with costs, provided the suit be commenced within six months next after the Forfeiture or refusal of such naval officer shall happen, and not otherwise.

XIII. And be it further enacted by the authority aforesaid, That an Act entitled "An Act for appointing Naval Officers in the Different ports of this State, and directing their duty in office," passed at New Bern the twenty-fourth day of December, one thousand seven hundred and seventy-seven, and all other acts and resolves heretofore made or passed relative to the duty of the said Naval Officers be and are hereby repealed, and made void.

CHAPTER VIII.

An Act to amend Part of an Act for emitting Eight Hundred and Fifty Thousand Pounds in Bills of Credit, for discharging the Debts incurred by this State in raising Men to re-inforce the Battalions belonging to this State in the Continental Army, for calling in all former Emissions; and for other Purposes.

I. Whereas, by the before recited Act it is directed that two hundred thousand Bills of one Sixteenth of a Dollar be printed for the Purposes therein mentioned, and it is found by experience that the printing the same will be attached with considerable Expence, for no considerable Utility to the Public;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the Commissioners be, and they are hereby empowered to print twelve thousand five hundred dollar bills, in the Room and stead of the two hundred thousand Bills of one Sixteenth of a Dollar.

III. And whereas the present Exegencies of the State require the Monies now in the hands of the Treasurers to defray the Expences thereof, and renders it necessary to give a further Day for the Redemption of the said late Emissions; Be it therefore Enacted by the authority aforesaid, That the Monies emitted by the Act of Assembly passed at Hillsborough, one thousand seven hundred and seventy-eight, shall be retained in the hands of

the said Treasurers to defray the Expences aforesaid; and that the Redemption of the Emissions of the Congress at Hillsborough, one thousand seven hundred and seventy-five, and Congress at Halifax, one thousand seven hundred and seventy-six, be deferred and postponed to the first day of May, one thousand seven hundred and eighty.

IV. And be it further Enacted by the authority aforesaid, that so much of said Act as comes within the purview of this Act, shall be repealed and made void; any Thing contained in said Act, to the contrary, notwithstanding.

CHAPTER IX.

An Act to amend an Act entitled "An Act to Regulate the Pilotage of Cape Fear and Ocacock Bars and the River leading from the same to Brunswick, Wilmington, New Bern, Bath and Edenton.

I. Whereas at this time when the Sea is infested with Privateers and Pilots are exposed to the hazard of being trepanned and carried off by Enemies Ships holding out false Signals and as it is necessary that the rates of Pilotage should be regulated by the Dangers and Trouble of exercising this employment, and bear a proportion to the Depreciation of the Currency, and as the Pilotage of Cape Fear is especially liable to these Inconveniences,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this Act the Pilots of Cape Fear Bar and River shall be and they are hereby allowed the Pilotage hereafter mentioned, and no more, to-wit: Coming over Cape Fear Bar and up to Brunswick for each Vessel drawing six feet water, eighteen shillings per foot; from six to ten feet, twenty-one shillings per foot; from ten to twelve feet, twenty-four shillings per foot; from twelve to thirteen feet, twenty-seven shillings per foot; from thirteen to fourteen feet, thirty shillings per foot; for fifteen feet, thirty-seven shillings and six pence per foot; for sixteen feet, forty-five shillings per foot; and for each ship or vessel drawing seventeen feet of water, fifty two shillings and six pence per foot, and for piloting a ship or other vessel from Brunswick to Great Island, the Quarter part of the said rates according to the Draught of the water of such vessels respectively, and from Great Island over the Flats up to Wilmington, the one quarter part of the rates aforesaid, and for every vessel outward bound, they are hereby allowed the respective rates or Pilotage aforesaid, except the Bar Pilotage, which shall be one half only.

III. And whereas by the Death, Absence, Removal and Distance of some of the Commissioners of the Pilotage for the port of Brunswick, it becomes necessary to appoint others in their stead,

IV. Be it therefore enacted by the authority aforesaid, That William Williamson, Francis Brice, Parker Quince, George Hooper, Robert Ellis, and Henry Toomer, be and they are hereby appointed Commissioners of the said River.

V. And be it further Enacted by the authority aforesaid, That so much of an Act of Assembly, entitled "An Act to Regulate the Pilotage of Cape Fear and Ocacock Bars and the river leading from the same to Brunswick, Wilmington, New Bern, Bath and Edenton," as comes within the purview of this Act, shall be and is hereby declared to be void and of no Effect.

CHAPTER X.

An Act to prescribe the Affirmation of Allegiance and Fidelity to this State to be taken by the Unitas Fratrum, or Moravians, Quakers, Menonists and Dunkards, and granting them certain Indulgences therein mentioned, and other Purposes.

I. In order to quiet the consciences and indulge the religious Scruples of the Sects called the Unitas Fratrum, or Moravians, Quakers, Menonists, and Dunkards,

II. Be it Enacted by the General Assembly of the State of North Carolina, and by and with the Authority of the same, That the Affirmation of Allegiance and Fidelity to this State shall hereafter be taken by all the above People in the Form following, viz:

I, A. B., do solemnly and sincerely declare and affirm, in the Presence of Almighty God, that I will truly and faithfully demean myself as a peaceable subject of the Independent State of North Carolina, and will be subject to the Powers and Authorities that are or may be established for the good Government thereof, not inconsistent with the Constitution, by yielding either an active or passive obedience thereto; and that I will not abet or join the Subjects or Forces of the King of Great Britain, or others, the Enemies of this State, by any means, in any Conspiracy whatsoever, against the said State or the United States of America; and that I will make known to the Governor or some member of the Council of State, Judge of the Superior Court, or Justice of the Peace, all Treasons, Conspiracies, or Attempts committed or intended against the same, which shall come to my knowledge. Which said affirmation being taken before any Justice of the Peace in the County where they reside, at or before the first day of May next, shall entitle them to all those Rights, Privileges and Immunities, they heretofore respectively enjoyed; any Law to the Contrary notwithstanding; the Assessment and Payment of Taxes only excepted.

III. And be it further enacted by the authority aforesaid, That all and every of the said people upon taking and subscribing the affirmation of Allegiance and Fidelity to this State as aforesaid, before the Entry-taker of the County, may re-enter all their lands formerly made in Earl Granville's Office, or Public Land Office, or any Lands they, or either of them, have had the Prior Occupancy of, or may enter a Caveat or Claim, against any Person or Persons, who may have entered or surveyed the same; provided such entry, caveat or claim, be made at or before the first day of May next, after the passing of this Act, and shall be entitled in preference of all others to obtain a Grant for the same, according to the Rules of the Act of Assembly for Establishing Offices for receiving Entries of Claims for Lands, &c.

IV. And whereas, many ignorant, though good subjects of this State, have not taken the Oath of Allegiance, owing to the neglect of the Justices of the Peace in many Counties, Be it therefore Enacted by the authority aforesaid, That all residents of this State, who have not been inimical, or heretofore refused to take the oath when particularly called on, and who shall take the Oath of Allegiance to this State prescribed by Law before the first day of May next, or who have taken the said Oath since the time prescribed by the said Law, shall be admitted to all the Rights, Immunities and Privileges of Citizens, hereby granted to the Moravians and other People; any Law to the Contrary notwithstanding.

CHAPTER XI.

An Act to Prevent the Stealing of Slaves or by Violation, Seduction or any other Means, taking or conveying away any slave or slaves, the property of another; and for other purposes therein mentioned.

I. Whereas, it is necessary that the promiscuous practice of stealing or other ways carrying away slaves the property of others, as also of stealing and carrying off free negroes and mulattoes with an intention to sell and appropriate the same, should be discouraged by a law with additional penalties.

II. Be it enacted by the General Assembly and by the authority of the same, that any person or persons who shall hereafter steal or shall by violence, seduction or any other means, take or convey away any slave or slaves, the property of another, with an intention to sell or dispose of to another or appropriate to their own use such slave or slaves, or who shall hereafter by violence or any other means, take or convey any free negro or free negroes or persons of mixed blood, out of this State to another, with an intention to sell or dispose of such free Negro or free negroes or persons of mixed blood, and being thereof legally convicted or shall upon his arraignment peremptorily challenge more than thirty five jurors or shall stand mute, shall be judged guilty of Felony and shall suffer death without benefit of Clergy.

III. And whereas, many evil disposed and dishonest persons make it a practice to deal and traffick with slaves to the very great injury of the owners of such slaves.

IV. Be it therefore further enacted by the authority aforesaid, That any person or persons who shall hereafter purchase any articles or commodity of or shall have any kind of dealing whatsoever with any slave or slaves, without permission first had and obtained from the master or mistress of such slave or slaves either personally or in writing being thereof legally convicted in the Superior Court of the County where such offence shall be committed, shall forfeit the sum of one Hundred Pounds Current money to be applied by the said Court for the use of the poor of the County and shall stand imprisoned ten days without bail or mainprize.

V. And whereas, many evil disposed persons frequently entice or persuade slaves, without any intention to steal them, and servants to absent themselves from their master or mistress and oftentimes harbour and maintain runaway servants and slaves.

VI. Be it therefore further enacted by the authority aforesaid, That any person or persons who shall hereafter entice or persuade any servant or slave to absent him or herself, from his or her master or mistress, or who shall harbour or maintain any run away servant or slave shall for every such offence forfeit and pay to the master or mistress of such servant or slave, the sum of one hundred pounds Current money, to be recovered by action of debt in any jurisdiction having cognizance thereof, and be further liable to the said Master or Mistress, in an action for damages wherein no Essoign, injunction, protection, or wager of Law shall be allowed or admitted; notwithstanding any Law, Usage, or Custom to the contrary.

VII. And be it further enacted by the authority aforesaid, That the Clerk of every County Court of this State, shall on the third day of every Court, read this Act in the presence and hearing of the County Court, under penalty of five pounds for every neglect.

VIII. And be it further enacted by the authority aforesaid, That this Law shall take effect and be binding upon the subjects of this State on the first day of April next, and afterwards, and not sooner.

IX. And be it further enacted by the authority aforesaid, That so much of an Act of Assembly of this State, entitled An Act concerning Servants and Slaves, as comes within the purview of this Act, is hereby repealed and declared to be void and of no effect to all intents and purposes whatsoever.

CHAPTER XII.

An Act for Apprehending and selling certain Slaves set free contrary to Law and for Confirming the Sales of Others, and for other purposes.

I. Whereas, by an Act entitled an Act to prevent Domestick Insurrections & for other purposes, it is provided, that no person shall liberate his or her slave except for meritorious Services, to be judged of and allowed by the County Court, and by the said Act, it is Directed in what Manner and for what purposes such liberated slaves shall be apprehended and sold; and whereas, before the passing of the said Act, and since the sixteenth day of April, one thousand seven hundred and seventy five, divers evil minded persons, intending to disturb the public peace, did liberate and set free their slaves, notwithstanding the same was especially contrary to the Laws of this State and the County Courts of Perquimans and Pasquotank, conceiving they had power to proceed against all such liberated slaves, did order them to be sold to the highest bidder, and whereas, doubts have now arisen whether the purchasers of such slaves have a good and legal title thereto, for remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, that all such sales made bona fide and for valuable consideration shall be deemed good and valid to all intents and purposes, and as many negroes are now going at large to the terror of the good People of this State, who were liberated in manner aforesaid previous to the passing of the said recited Act,

III. Be it further enacted by the Authority aforesaid, That the same proceeding shall and may be had against all such illegally liberated slaves as is directed in the said recited Act intitled, An Act to prevent domestic insurrections, and for other purposes, in the same manner as if such negro slaves had been set free after the passing of the same; Provided, that nothing herein contained shall deprive of Liberty any Slave who having been liberated & not sold by order of any Court has inlisted in the service of this or the United States previous to the passing of this Act.

CHAPTER XIII.

An Act for levying a Tax for the Year one thousand seven hundred and seventy nine; and other purposes.

I. Whereas, it is necessary that the Treasury should be as soon as possible supplied with money sufficient to defray the public expence,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That for the Year one thousand seven hundred and seventy-nine a Tax of three

pence shall be paid for every pound value of the Taxable property within this State, and a proportionate poll Tax on all such freemen as are subject to the payment of a poll Tax, pursuant to an Act passed this present Session of Assembly, Intitled "An Act for ascertaining what property in this State shall be deemed Taxable property and the manner of assessing the same; and other purposes;" and that all such Taxes be levied and accounted for pursuant to the Directions of the said Act.

III. And be it further Enacted by the authority aforesaid, That a further Tax of six pence over and above the aforesaid three pence in every pound value of Taxable property belonging to Moravians, Quakers, Menonists or Dunkards shall be paid for the year one thousand seven hundred and seventy nine and shall be levied and accounted for in the manner above directed.

CHAPTER XIV.

An Act for laying a further Tax on the taxable property of the Inhabitants of Cambden County for the purposes of finishing and compleating the Court House, Prison and Stocks of the said County.

I. Whereas the provision made by Law ..... the Court House, Prison and Stocks for the County of Cambden are found inadequate thereto, for Remedy whereof

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That there shall be a Tax of Two Shillings and Six pence levied on all the taxable property of the Inhabitants of the Said County for the purposes aforesaid, and a Tax of Two Shillings and Six Pence on all persons of full Age having not property to the Value of One Hundred pounds for Three Years, and that the same shall be collected in the same manner and under the same Rules and Penalties, as other Taxes in this State are, and shall be Paid into the Hands of the Commissioners already appointed for Building and finishing the said Court House, Prison and Stocks.

III. And be it further Enacted by the Authority aforesaid, That the said Commissioners shall account with their said County Court for all Monies received by them by Virtue of this Act, and if any Surplus shall remain after the said public Buildings are finished, the same shall be applied by the said County Court towards defraying the contingent Charges of the said County.

CHAPTER XV.

An Act for Altering the times of holding certain County Courts of Pleas and Quarter Sessions therein mentioned.

I. Whereas, the times at present appointed for holding the County Courts of Pleas and Quarter Sessions for the Counties of Tyrrell, Perquimons and Caswell have in many respects been found inconvenient.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same; that from and after the first Day of March the said County Courts of Pleas and Quarter Sessions shall be held at the times hereinafter appointed instead of the times at present appointed by Law; that is to say, the County Courts of

Pleas and Quarter Sessions for the County of Tyrrell on the first Mondays in January, April, July and October, in each year, and the County Court of Pleas and Quarter Sessions for the County of Perquimons on the second Mondays in January, April, July and October in each year, and the County Courts of Pleas and Quarter Sessions for the County of Caswell on the third Mondays in March, June, September and December.

III. And be it further enacted by the authority aforesaid, That all matters of Business whatsoever now returnable in the said County Court of Pleas and Quarter Sessions for the County of Tyrrell to the third Monday in February next shall be deemed returnable to the first Monday in April next, and all Person or Persons who have Day or Days of appearance at the said Court on the third Monday in February next shall and may appear at the said Court on the first Monday in April ensuing, which shall be deemed legal and sufficient to all intents and purposes in the same manner as if they had made their appearance on the third Monday in February next in case this Act had never been made, and all matters of Business whatsoever now returnable in the said County Court of Pleas and Quarter Sessions for the County of Perquimons to the third Monday in April next shall be Deemed returnable to the second Monday in April next, and all person or persons who have day or days of appearance at the said Court on the Third Monday in April next shall and may appear at the said Court at the second Monday in April next, which shall be deemed legal and sufficient to all intents and purposes in the same manner as if he or they had made their appearance on the third Monday in April next in case this Act had never been made, and all proceedings now depending in the County Court of Caswell undetermined or returnable to the said Court shall stand adjourned to the Day or Days appointed aforesaid for holding the said Court, and all matters of business which before the passing of this Act might legally be transacted at the respective times heretofore appointed for holding the said County Courts shall and may be hereafter be transacted at the several times appointed by this Act for holding of the same.

IV. And be it further enacted by the authority aforesaid, That each of the said County Courts may be adjourned in the same manner and for as long a time if necessary, as those held on the days formerly appointed.

CHAPTER XVI.

An Act for extending the Boundary Line between this State and the Common Wealth of Virginia.

I. Whereas, the Inhabitants of this State, and those of the Common Wealth of Virginia, have settled themselves further Westwardly than the Boundary between the said two States hath hitherto been extended, and it becomes expedient in order to prevent disputes among such settlers that the same should be now further extended and marked,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That Orandatus Davis, John Williams, Caswell James Kerr, William Bailey Smith and Richard Henderson, or any three of them be, and they are hereby appointed Commissioners with full power and authority to meet with other Commissioners from the Common Wealth of Virginia, and to proceed to extend and mark the line between that Common Wealth and this State,

beginning where Joshua Fry and Peter Jefferson, Commissioners on the part of Virginia, together with Daniel Weldon and William Churton from North Carolina formerly appointed to run the said line, ended their work, and if that be found to be truly in the Latitude of thirty-six degrees thirty minutes North then to run from thence due West to Tennessee or the Ohio River or if it be found not truly in the said Latitude, then to run from the said place, due North or due South into the said Latitude, and thence due West to the said Tennessee or Ohio River, correcting the said Course at due Intervals by Astronomical observation, if either of the Commissioners by this Act appointed shall decline, or be unable to go thro' the duties of his appointment the Governor and Council shall appoint some other to Act in his stead. The said Commissioners shall nominate such skilful surveyor to execute their directions and such other attendants as shall be necessary, and shall endeavor to procure the most Accurate Instruments, which if injured in the said service shall be made good at the public expence, or wholly paid for at the election of the proprietor if borowed from an individual, or of such other person or persons as shall have authority to make such Election, if borrowed from any Seminary of Learning, each Commissioner shall be allowed for his trouble herein ten dollars per day for every day he shall attend, and the surveyor with the Chain Carriers, and other attendants, shall be allowed such Sums as the Commissioners shall certify they respectively ought to receive, and be paid by either Treasurers of this State out of any public Monies in their Hands, together with allowance to the Commissioners as aforesaid. And the said Commissioners are hereby directed to make report of their proceedings to the General Assembly. And whereas, from the hostile disposition of the Indian Nations it may be unsafe for the Commissioners and their Attendants to proceed on the business hereby directed without a sufficient Guard to protect them.

III. Be it therefore further Enacted by the Authority aforesaid, That the Governor with the advice of the Council shall, on application of the Commissioners, direct and order a sufficient number of officers & men to be raised for that purpose by Voluntary Enlistment, or if that cannot be done then to be furnished from the Militia of such Counties as shall be convenient to attend the said Commissions as a Guard and for their safe conduct in the prosecution of the Business by this Act directed, shall order them a sufficient Number of Tents and Camp Utensils and shall appoint a Commissary to furnish the necessary provisions during the time they shall be employed for the purpose aforesaid.

CHAPTER XVII.

An Act to Enable the Inhabitants of a Tract of Land Lying in Mecklenburg County Known by the name of Governor Dobbs' Tract, Number Five, to make Entries thereof and obtain Titles for the same.

I. Whereas, Abner Nash, Esquire, obtained a Judgment in Halifax Superior Court against Edward Brice Dobbs, and Conway Richard Dobbs, Heirs at Law of the late Arthur Dobbs, Esquire, Governor of North Carolina, for the sum of Three Thousand five Hundred pounds Proclamation Money; to satisfy which an Execution issued from the said Court, April Term one thousand seven hundred and seventy Eight, against the Estate of the said Defendants, directed to the Sheriff of Mecklenburg County, who by Virtue

thereof levied the same on a certain tract of Land in said County, known by the name of Governor Dobbs's Tract Number Five, formerly containing One Hundred Thousand Acres, and exposed the same to sale; when certain of the Inhabitants thereof replevied the said Land, and satisfied said Debt with the Costs, And whereas, by An Act of the General Assembly passed December the Twenty Fourth, one thousand seven hundred and seventy seven, all property and Estates belonging to such persons therein described who fail to comply with the Requisites thereof, were and are by the said Act confiscated to the use of this State; and whereas, the Inhabitants of said Land have preserved the same for the Use of the State, which otherwise would have been private property, it is just and reasonable that they should be entitled to obtain Grants thereof in Fee from this State,

II. Be it therefore Enacted by the General Assembly of North Carolina, and by and with the Authority of the same, That all such Inhabitants who have actualy paid money to satisfy and discharge said Judgment and Execution as aforesaid, shall have the preference of all other persons to enter said Lands on which are their Improvements and obtain Grants for the same according to the Rules and Directions of the Act of Assembly, for establishing offices for recovering Entries of Claims for Lands, &c. Provided such Entries or Entry or Caveat of the same be made and entered with the Entry Taker of the County before the first day of June, one thousand seven hundred and seventy-nine.

III. And be it further enacted, by the authority aforesaid, That no Entry of said Land shall extend to include any Other Improvement than that for which the Entry was made, and which was in possession of, or claimed by another person before the first day of January, one thousand and seven hundred and seventy Eight, and when Disputes shall arise between party and party with regard to the right of Improvement, Occupancy or Boundary, the same Proceedings and Trial thereof shall be had as by the said Act and this is Directed.

IV. And be it further Enacted by the Authority aforesaid, That such persons entering such Lands who have not contributed their share of money in satisfying the said Judgment and Execution shall advance to the Entry Taker Twelve Pounds Ten Shillings for every Hundred Acres by them so to be taken up and entered, to be applied to the use of the State and accounted for by said Entry Taker as in said Act Directed.

V. Provided, that no person or persons shall be entitled to enter any of the aforesaid Lands, but those who now are the Inhabitants of and living on the said Tract; provided also, that no one person shall be entitled to enter for and obtain a Grant for more than Six Hundred and Forty Acres.

CHAPTER XVIII.

An Act for Dividing Craven County into two Distinct Counties, and for other purposes therein mentioned.

I. Whereas, the large extent of the County of Craven, renders the attendance of the Inhabitants on the extreme part thefeof at the Court House to perform public duties, difficult and expensive, for remedy whereof

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said County of Craven shall be divided into

two distinct Counties, by a line beginning at that part of Carteret line, which lies directly South from the Head of Reedy Branch, running thence to the head of the said Branch, and so down the meanders of the same to Trent River, thence up Trent River to the mouth of Deep Gulley Branch, to Dover or Batchelor Desart, thence up Dover or Batchelor Desart to the plantation of Thomas Kent, thence a direct Course to the South West Bridge, at Dobbs County Line, and that all that part of the said County of Craven which lies above or Westwardly of the said dividing line, shall be established a new and distinct County by the name of Jones.

III. And be it further Enacted by the Authority aforesaid, That John Bryan, Emanuel Simmons and Christopher Neale or a majority of them be, and they are hereby appointed Commissioners to lay out and mark so much of the said dividing line as is not a natural Boundary, and that the same shall be recorded in the respective Courts of said Counties.

IV. And for the due Administration of Justice, Be it Enacted by the Authority aforesaid, That Justices of the Peace shall be nominated and commissioned and Courts shall be held in the said County of Jones, in the same manner and with the same Jurisdictions as Justices & Courts in other Counties have and Exercise, and that the Courts for the said County of Jones, shall be held constantly on the third Mondays in March, June, September and December in each and every Year.

V. And be it further Enacted by the Authority aforesaid that John Bryan, Emanuel Simmons, Edmund Hatch, John Isler and Lewis Bryan, or a majority of them, be, and they are hereby appointed Commissioners, for fixing on the most centrical and convenient place in the said County for building a Court House, Prison and Stocks, and for purchasing five Acres of Land at such place for the use and benefit of the said County, and when the said place is fixed upon, and the said Land purchased, the said Commissioners or a majority of them, shall and they are hereby impowered to Contract and agree with Workmen for the building and finishing thereat a Court House, Prison and Stocks—And as it will necessarily be a considerable time before the said Building can be compleated.

VI. Be it Enacted by the Authority aforesaid, That the first Court to be held for the County aforesaid, shall be held at the House of Thomas Webber at Trent Bridge, and the Justices when met, and having formed a Court shall either continue to hold their subsequent Court at the said House, until the Court House shall be built, or shall have power to adjourn to any other more convenient place in the said County; they having first duly qualified themselves by taking the Oaths prescribed by Law in such Cases, and the said Justices being so qualified are hereby declared during their Continuance in Office as well within their County Courts as without to have the same powers, and Authorities, and to be subject to the same forfeitures and penalties, as Other Justices of the Peace in this State are liable to.

VII. And be it further Enacted by the Authority aforesaid, That all Causes, Pleas and Suits, and every Species of Controversy and litigation whatsoever in the County Court of Craven, now commenced or depending shall be proceeded on in the said Court, in the same manner as if this Act had never been made.

VIII. And be it further Enacted by the Authority aforesaid, That a tax of three shillings be laid on every Hundred pounds Value of taxable property in the said County of Jones, to be levied agreeable to the Assessment Act, and a poll Tax of three Shillings on all persons in the said County who have not taxable property to the value of One Hundred pounds, for two years for

the purpose of defraying the expences of purchasing the said Land, erecting the public Buildings thereon, and paying the Commissioners for their Trouble and Expences in and about the premises; which said Taxes shall be collected in the same manner and under the like Conditions, as other public taxes are, and shall be paid into the Hands of the Commissioners appointed for building a Court House, &c., the Collectors first deducting their Commissions for their trouble of collecting the same; and in case there shall remain any surplus after defraying the expences aforesaid, the same shall be applied by the County Court towards defraying the Contingent Charges of the said County.

IX. And be it further Enacted by the Authority aforesaid, That the said Commissioners shall from time to time, when called on by their County Court, account for the Monies by them received, for the purposes aforesaid, and when the Building shall be compleated, and other expences defrayed, the said Court on settlement with them, shall make a reasonable allowance for their trouble, and expence, and shall apply any surplus that may remain in manner as is before directed.

X. And be it Enacted by the authority aforesaid, That nothing herein contained, shall be construed to bar the Sheriff, or Collectors of the County of Craven, as the same stood undivided, to make distress for any taxes, fees or other dues, which may be owing from the Inhabitants of the said County, at the time of passing this Act, in the same manner as if this Act had never been made.

XI. And be it further Enacted by the Authority aforesaid, That the said County of Jones shall be and remain part of the District of New Bern, and the Justices of the said County, shall appoint five free holders to serve as Jurors, at the Superior Court of New Bern aforesaid, and the said County, shall have and enjoy the same rights and privileges, of sending members to the General Assembly, as other Counties in this State have.

XII. And be it further Enacted by the Authority aforesaid, That after the passing of this Act, the County Court of Craven shall nominate, and appoint, no more than seven Jurymen to attend the Superior Court of New Bern.

XIII. And be it further Enacted by the Authority aforesaid, That all Warrants for surveying vacant Lands, within the County of Jones, not already executed, shall be executed, by the proper Surveyor of the said County.

CHAPTER XIX.

An Act for dividing Bute County into Two Distinct Counties and for other purposes therein mentioned.

I. Whereas, the large extent of the County of Bute renders the attendance of the Inhabitants in the extreme parts of said County to do public duties extremely difficult and expensive; for Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act the County of Bute shall be divided into two distinct Counties by a direct line from the Granville line to Halifax or Nash County line as the case may be, leaving in each part or division an equal quantity of Acres as near as can be ascertained, and in order that the same may be ascertained with as much precision as possible.

III. Be it further Enacted by the Authority aforesaid, that Julius Nichols,

William Duke, John Falian, John Norwood and Matthew Thomas, or a majority of them be, and they are hereby appointed commissioners to measure the lines of said County on every side and to run the dividing line so as to make each respective division as convenient to the respective persons residing therein as possible, which said lines when run by the commissioners, or a majority of them, shall be entered on the Record of each County, and all that part or division which lies North of said line & adjacent to Virginia shall be a distinct County by the name of Warren, and all that part or division that lies South of said line shall be a distinct County by the name of Franklin; and for the due administration of Justice, be it Enacted by the Authority aforesaid, that Justices of the Peace shall be nominated and Commissioned and Courts held in each of the respective Counties of Warren and Franklin in the same manner and with the same powers and Jurisdiction as Justices & Courts in other Counties in this State, and the Courts for the County of Warren shall be constantly held on the second Monday in February, May, August and November in each and every year, and the Courts for the County of Franklin shall be constantly held on the third Monday in March, June, September & December in each and every Year, and the first Court for the County of Warren shall be held at the present Court House on the second Monday in February, and the first Court for the County of Franklin shall be held at the house of Benjamin Seawell, lately owned by Bell, and the Justices for each of the Counties of Warren and Franklin are hereby authorized to adjourn to such places in their respective Counties as they shall think most convenient to hold all subsequent Courts until Court Houses shall be built in each respective County, and in order that the Center of each County may be found as near as may be for the purpose of building a Court House, Prison & Stocks, the aforesaid Commissioners appointed to Measure & run the dividing line, are hereby appointed Commissioners to find the center of each County; but if the same shall not be Convenient to good water then the Commissioners are hereby authorized to fix the place for Sitting the Court House, &c., at the most convenient place where good water may be had nearest the said center and that Julius Nichols, William Duke & John Falian, or any two of them be appointed Commissioners in the County of Warren and that John Norwood, Matthew Thomas and Joseph Norris be appointed Commissioners, or any two of them, for the County of Franklin, which said Commissioners are hereby authorized and impowered to purchase one hundred acres of land where the place for building the Court House, &c., shall be fixed on in each respective County, but if the proprietor or proprietors, of said Lands shall refuse to sell the same for a reasonable price, then the Commissioners are hereby authorized to purchase one hundred acres of any other person or persons as near the Center as the aforesaid convenience of Water will permit.

IV. And be it further Enacted by the Authority aforesaid, That the said Justices to be appointed for the Counties of Warren and Franklin are hereby directed to meet on the same days and at the same places before appointed for holding Courts in each of the said Counties & take the oaths prescribed for their qualification, and each and every of them at all times during their continuance in Office as well within their County Courts as without, shall hold and exercise the same power and authority and be subject to the same forfeitures and Penalties as other Justices of the Peace in this State are liable to.

V. And be it further enacted by the authority aforesaid, that Julius Nichols, William Duke and John Falian, or any two of them, be impowered

and directed to agree and contract with proper workmen to erect a Court House, &c., in the County of Warren, and that John Norwood, Matthew Thomas and Joseph Norris, or any two of them, be impowered and directed to agree and contract with proper workmen to erect a Court House, &c., in the County of Franklin.

VI. And be it further Enacted by the Authority aforesaid, That all Causes, Pleas, Suits, Actions, and every Species of Controversy whatever in the County Court of Bute now depending and unfinished shall be transposed to the Dockets of the Court of Warren County in the same order and arrangement as the same now stands on the Dockets and Records of the said County of Bute.

VII. And be it further Enacted by the authority aforesaid, That a tax of two shillings and six pence be laid on every hundred pounds value of all Taxable property on the Inhabitants of the Counties of Warren and Franklin agreeable to the Assessment Act and a poll Tax of six shillings & six pence on all persons who have not an Estate of one hundred pounds taxable property, for three years, for the purpose of paying the Commissioners for their services as well as for the aforesaid Land, Court House, &c., and to be collected in the same manner as other public Taxes and to be paid into the hands of the said Commissioners for the purposes aforesaid, after the Collectors deducting their Lawful Commissions for collecting the same.

VIII. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be construed to bar the Sheriff or Collectors of the County of Bute as the said County stood undivided to make distress for any Taxes, Fees or other dues as shall be due from the Inhabitants of said County at the time of passing this Act in the same manner as by Law the said Sheriff or Collectors might or could have done if the said County had remained undivided & the said Taxes, Fees, and other Dues shall be Collected and accounted for in the same manner as if this Act had never been made; anything herein contained to the Contrary notwithstanding.

IX. And be it further Enacted by the Authority aforesaid, That the Justices of the County Courts of Warren and Franklin shall each appoint five freeholders to serve as Jurors at the Superior Courts for the District of Halifax.

X. And be it further Enacted by the Authority aforesaid, That from and after the passing of this Act the said Counties of Warren and Franklin shall be considered as part of the District of Halifax and shall be entitled to send the same number of members to represent said Counties in General Assembly as other Counties in this State, and to enjoy all the privileges & immunities as other Counties in this State are entitled to.

XI. And be it further Enacted by the Authority aforesaid, That each of the County Courts of Warren and Franklin shall allow reasonable pay to their respective Commissioners appointed in each of their Counties for their Services, and may direct the Commissioners appointed to receive Taxes for said purposes to pay them the same, and after the Commissioners have fully paid for the Lands and County Buildings aforesaid, they the said Commissioners shall account with their respective Courts for the due application of whatever sum of Money they may have received for the purposes aforesaid, and if there should remain any Surplus the Counties of Warren and Franklin shall appropriate the same towards defraying the Contingencies of their respective Counties.

XII. And be it further Enacted by the Authority aforesaid, That the Justices which are now in the Commission for the County of Bute shall continue

in Office and be impowered to hold Courts and execute all and every thing to the office of the Justice of Peace belonging in the Counties of Warren and Franklin without any new Commission; anything to the contrary herein notwithstanding.

XIII. And be it Enacted by the Authority aforesaid, That the Lands entered with the entry taker for Bute as it stands undivided which lie in Franklin and are not yet surveyed, shall be Surveyed by the Surveyor of Franklin, and the entry taker is hereby Commanded to issue his warrants to the same.

CHAPTER XX.

An Act for dividing Hertford County, and other purposes therein mentioned.

I. Whereas, by reason of the Width of Chowan River, and the difficulty of passing the same, especially in Boisterous Weather, it is extremely Inconvenient for the Inhabitants of the North East ends of the said River, to attend Courts, and other public business as also for the ease and convenience of the Inhabitants on the North side of Chowan and Perquimans Counties, it is necessary that the same be divided into a Distinct and separate County.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, that all that part of Hertford County that lies on the North East side of Chowan River, and all that part of Chowan and Perquimons Counties, that lies on the North Side of Katherine, and Warwick Creeks, and bounded as follows, (that is to say) beginning at the Virginia line, on Chowan River, thence down the said River to the mouth of Katherine Creek, thence up the said Creek, to the mouth of Warwick Creek, thence up said Creek to the Head, thence a direct line to the Head of the Indian Branch in Perquimons County, thence down said Branch to the Great Dismal Swamp, thence a North east Course to the Virginia line, thence Westwardly along said line to the beginning, and all that part of Hertford, Chowan, & Perquimons Counties, included in said lines, shall be and is hereby Established a County by the name of Gates.

III. And for the due Administration of Justice, Be it Enacted by the Authority aforesaid, that Justices of the Peace, shall be nominated and Commissioned; and Courts held in the said County of Gates, in the same manner and with the same powers, and Jurisdiction, as Justices and Courts in the other Counties of this State; and the Courts of the said County of Gates shall be held on the first Monday in May, August, November and February in each and every year.

IV. And be it Enacted by the Authority aforesaid, That the said Justices to be appointed for the County of Gates aforesaid, are hereby directed to meet on the first Monday in April next, at the house of Kadar Riddick, and take the Oaths appointed for their qualification, and the Justices of the said County of Gates, or any three of them, after being so qualified shall hold a Court, at the place and times hereinbefore Appointed, and every of them, at all times during their continuance in office, as well within their County as without, shall have and exercise the same Power, and Authority, and be subject to the same Forfeitures and penalties, as other Justices of the Peace, within the several Counties in this State are liable to.

V. And be it further Enacted by the Authority aforesaid, That a Tax of three Shillings, be laid on each Hundred Pounds Value of Taxable property in said County, and also a poll Tax of three Shillings for each person liable to pay Tax, who is not possessed of One Hundred Pounds value of Taxable property in said County of Gates, for two years, for building a Court House, prison and stocks therein, which Tax shall be collected by the Sheriff of the County aforesaid, at such times, and in the same manner, as other Taxes are collected, and shall be paid to the person, or persons, who shall be impowered to receive the same.

VI. And be it further Enacted by the Authority aforesaid, That nothing herein contained shall be construed to Debar the Sheriffs, or Parish Collectors of Hertford, Chowan, and Perquimons Counties, or Tax Gatherers of either of said Counties, as they now stand undivided, to make Distress for any Taxes, Levies, fees or other dues that shall be due from the Inhabitants of said County, on the first Monday in April next, in the same manner as by Law the said Sheriff, Parish Collectors, or Tax Gatherers might or could have done if the said Counties had remained undivided; and the said Taxes shall be collected and Accounted for, in the same manner as if this Act had never been made; anything herein Contained to the Contrary notwithstanding.

VII. And to the end that no Action, or Suit of any kind commenced in the Counties of Hertford, Chowan and Perquimons be Defeated by the Division aforesaid, Be it Enacted by the Authority aforesaid, that where any Action or Suit is already commenced in either of the said Counties of Hertford, Chowan and Perquimons, and the parties or any of them, shall be inhabitants of Gates County, such Action, or Suit, shall be proceeded on, by the Court in which the same was commenced, to the end and final Determination thereof; any Law or Usage to the Contrary notwithstanding.

VIII. And be it further Enacted by the Authority aforesaid, that Lawrence Baker, William Baker, Luke Sumner, Elisha Hunter & John Benton, Junior, or a majority of them, be and they are hereby appointed Commissioners, to lay off and appoint the most centrical, and convenient place, where the Court House, Prison and Stocks, (for the use of the said County of Gates) shall be built; and there to erect, or cause the same to be erected.

IX. And be it further Enacted by the Authority aforesaid, That the Sheriff of the said County of Gates, is hereby Impowered and directed, to account for and pay the money, by him collected for the purpose of building the aforesaid Court House, Prison and Stocks, to the Commissioners aforesaid, after deducting his Commissions for collecting the same.

X. And be it Enacted by the Authority aforesaid, That from and after the passing this Act, the said County of Gates shall continue, and be considered, as part of the District of Edenton.

XI. And be it further Enacted by the Authority aforesaid, That the Commissioners, or a majority of them, herein before appointed are hereby impowered, and directed, to employ workmen for building a Court House, Prison and Stocks, in the said County, for the use thereof; and the said Court, and all Causes, Matters and Things in the same depending after such Court House shall be built, shall stand adjourned from the place where the Court shall have been held to the said Court House.

XII. Be it further Enacted by the Authority aforesaid, That the Justices of the Court of said County of Gates, shall have power to call the Commissioners to erect a Court House, Prison and Stocks, to account for the due application of whatever Monies they may receive, for the purposes men-

tioned, and if there should be any Surplus, apply the same towards defraying the Contingencies of the County, and whenever it shall become necessary, to run the Lines, agreeable to this Act, the Justices of the Counties of Chowan, Perquimons and Gates shall appoint one Commissioner from each of said Counties of Chowan, Perquimons & Gates, to run the said line and lay a Tax for defraying the charges thereof, which line when run shall be recorded in the Court of each of the said Counties of Chowan, Perquimons and Gates, and shall thenceforward be deemed the dividing line between the said Counties.

XIII. And be it further Enacted by the Authority aforesaid, that the County of Gates shall be intitled to the same privileges and Immunities as the other Counties in this State are intitled to.

XIV. And be it further Enacted by the Authority aforesaid, that the Justices for the County of Gates, at every County Court, next preceding each Superior Court, to be held for the District shall and are hereby required, to nominate and appoint Freeholders to serve as Jurors, at the Superior Court for the District of Edenton, which Jurors so appointed shall be Entitled to the same pay, and allowance, as Jurors appointed from other Counties to attend the said District Courts, and liable to the same fines and penalties for non-attendance as other Jurymen.

XV. And be it further Enacted by the Authority aforesaid, that the County Court of Chowan, shall in future nominate and appoint only Six Jurors to attend the District Court; any Law, or Custom to the Contrary Notwithstanding.

CHAPTER XXI.

An Act for dividing the County of Anson into two Distinct Counties, and other purposes therein mentioned.

I. Whereas, the large extent of the County of Anson renders it grievous and troublesome to many of the Inhabitants thereof, to attend the Courts, General Elections, and other Public Meetings appointed therein,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act the said County of Anson be divided by the Road leading from Monroe's Bridge on Drowning Creek to Colson's Ferry to a point opposite the Mouth of Rocky River, thence running a direct Line crossing Pee-dee River to the Mouth of Rocky River, thence up the various courses of Rocky River to the Dividing Line between the Counties of Anson and Mecklenburg, and that all that part of the said County of Anson, which lies to the North of the said dividing Line, shall be erected into a new and Distinct County by the name of Montgomery. And for the due Administration of Justice.

III. Be it Enacted by the Authority aforesaid, That Courts for the said County of Montgomery shall be constantly held by the Justices thereof on the first Mondays in April, July, October and January, and the Justices for the said County of Montgomery are hereby authorized and impowered to hold the first Court in the said County of Montgomery at the House of Henry Mungers on the first Monday in April next, and all subsequent Courts for the said County of Montgomery on the Days above mentioned for holding Courts therein, at any place to which the said Justices

shall from Court to Court adjourn themselves until a Court House shall be built for the said County of Montgomery, and then all Causes, Matters and Things depending in the said Court, and all Manner of Process returnable to the same shall be adjourned to such Court House; and all Courts held in and for the said County of Montgomery shall be held by Commission to the Justices in the same manner and under the same Rules and Restrictions and shall have, hold and exercise the same power and Jurisdiction as are, or shall be, prescribed for other Courts held for the several Counties within this State.

IV. And be it further Enacted by the Authority aforesaid, That nothing herein contained, shall be construed to debar the late Sheriffs and Collectors of the said County of Anson, as the same stood undivided, to make Distress for any Taxes, Fees or other Dues now actually due and owing from the Inhabitants of the said County as it formerly stood undivided, in the same manner as by Law the said Sheriffs or Collectors could or might have done if the said County had remained undivided; and the said Taxes, Fees and other Dues, shall be collected and accounted for in the same manner as if this Act had never been made; anything herein contained to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the said County of Montgomery shall be, continue, and remain part of the District of Salisbury, and the Sheriff of the said County of Montgomery shall from Time to Time account for and pay to the Treasurer of the Southern District for the Time being, all public monies by him received, or wherewith he shall stand chargeable in the same manner and under the same pains and penalties as other County Treasurers.

VI. And be it further enacted by the Authority aforesaid, That Henry Mungers, Walton Harris and James Pickett, be appointed Commissioners, and they are hereby required to run the said dividing Line between the said Counties of Anson and Montgomery agreeable to the Directions of this Act, which said Line when run by the Commissioners, or a Majority of them, shall be entered on the Records of each of the said Counties, and shall thereafter be deemed and taken for the dividing Line between the said Counties of Anson and Montgomery.

VII. And be it further Enacted by the Authority aforesaid, That West Harris, James Allen, Edmund Lilly and James Roper Walton, or a majority of them be, and they are hereby impowered and directed to agree and contract for at least fifty Acres of Land, and also to agree and contract with Workmen for building a Court House, Prison and Stocks for the use of the said County of Montgomery thereon, at such place as they, or a Majority of them or their Survivors shall agree upon, and for re-imbursing the said Commissioners the Money they shall expend in erecting the said Buildings and running the dividing Line between the said Counties.

VIII. Be it Enacted by the Authority aforesaid, that a Tax of Three Shillings on each Hundred pounds value of taxable property shall be, and is hereby assessed on the taxable property in the said County of Montgomery for two years, to commence from the first day of April, and that a poll Tax of Twelve Shillings on each taxable person for two years, and that all persons who shall neglect or refuse to pay the same at the time limited for payment of public Taxes, shall be liable to the same penalties and Distress as for non-payment of Public Taxes and the Collectors of said County are hereby required to collect, account for and pay the Monies so collected to

the Commissioners aforesaid after deducting his or their Commissions for collecting the same; and in case of failure or neglect in any of the said Collectors, such Collector so failing or neglecting shall be liable to the same penalties and Recoveries as by Law may be had against Collectors of Public Taxes in like Cases.

IX. And be it Enacted by the authority aforesaid, That all manner of Suits, Causes and Pleas whether Civil or Criminal, now commenced and depending in the County Court of Anson, shall continue & may be prosecuted to a final end and Determination; anything in this Act contained to the contrary notwithstanding.

X. And be it further Enacted by the Authority aforesaid, That the said County Court of Montgomery shall from and after the first day of April nominate and appoint three Freeholders to serve as Jurors at the Superior Courts held for the District of Salisbury.

XI. And be it Enacted by the Authority aforesaid, That all Entries of Land lying in the County of Montgomery which hath or shall hereafter be made with the Entry Taker of Anson County, on or before the second Monday in April, and shall remain unsurveyed on the day aforesaid; that it shall and may be lawful for the said Entry Taker of Anson, and he is hereby required to issue Warrants for all such Entries as aforesaid, to the Surveyor of the said County of Montgomery; any thing in this Act contained to the Contrary Notwithstanding.

XII. And be it Enacted by the Authority aforesaid That the said County Court of Anson from and after the passing of this Act shall nominate and appoint Four Freeholders to attend the Superior Court of Salisbury as Jurors.

CHAPTER XXII.

An Act for dividing the County of Guilford into two distinct Counties, and other purposes therein mentioned.

I. Whereas, the large extent of the County of Guilford renders it grievous and troublesome to many of the Inhabitants thereof to attend the Courts, General Muster, Elections and other Public Meetings;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act the said County of Guilford be divided into two separate and distinct Counties; Beginning on the Anson Line at the Corner of Rowan, thence running North twenty eight Miles, then East to the Orange Line, and all that part of the said County of Guilford that lies South of the aforesaid line shall continue to remain a distinct and separate County by the name of Randolph. And for the due Administration of Justice,

III. Be it Enacted by the Authority aforesaid, That a Court for the County of Randolph shall be held by the Justices thereof on the second Mondays of March, June, September and December, and the Justices for the said County of Randolph are hereby authorized and impowered to hold their first Court in the same at the House of Abraham Reese on the Second Monday of March next, and all subsequent Courts for the said County on the days above appointed for holding Courts therein at any place to which the said Justices shall from Court to Court adjourn themselves; until a Court

House, Prison and Stocks shall be built for the said County of Randolph, and then all Courts, Musters and Elections and Things depending in the said Court, and all manner of Process returnable to the same shall be adjourned to such Court House, and all Courts held in and for the said County of Randolph shall be held in the same manner and under the same Rules and Restrictions, and shall have and exercise the same powers and Jurisdiction as are or shall be provided for other Courts held for the several Counties in this State.

IV. And be it further Enacted by the Authority aforesaid, That nothing herein contained shall be construed to debar the late Sheriff and Collectors of the said County of Guilford, as the same stood undivided, to make Distress for any Levies, Fees, or other dues, now actually due, and owing from the Inhabitants of the said County as it formerly stood undivided, in the same manner as by law the said Sheriff or Collector could or might have done if the said County had remained undivided, and the said Levies, Fees and other Dues shall be collected and accounted for in the same manner as if this Act had never been made; any Thing herein contained to the contrary notwithstanding.

V. And be it further Enacted by the Authority aforesaid, That on or before the first day of April next the Sheriff of Randolph shall from Time to Time account for and pay to the Treasurer of the Southern District of this State for the Time being all public Levies by him collected, or wherewith he shall stand chargeable, in the same manner and under the Pain and Penalties as other Sheriffs.

VI. And be it further Enacted by the Authority aforesaid, That Thomas Owen, John Collier, John Adineal, and Jacob Shepperd be, and are hereby appointed Commissioners for running the dividing Line between the aforesaid Counties of Guilford and Randolph Agreeable to this Act: And Abraham Tatom, William Cole, John Hinds, John Collier and William Bell, commissioners for fixing upon the most convenient place for erecting the Court House, Prison and Stocks for said County of Randolph, as also for contracting with and employing Workmen to build the same; and they are hereby impowered and required to run the said dividing Line between the said County of Guilford and the County of Randolph agreeable to the Directions of this Act, which said Lines when run by the Commissioners, or a majority of them shall be by them entered on the Record in the County Court of each of said Counties and shall thereafter be deemed and taken to be the dividing Line between the said County of Guilford and the said County of Randolph.

VII. And be it further enacted by the Authority aforesaid, That the Tax of two shillings on each hundred pounds shall be and is hereby assessed on the taxable Property in the said County of Randolph for Three Years, to commence from the first Day of April next, and that all persons who shall refuse or Neglect to pay the said Tax at the time limited for the payment of the Public Taxes shall be liable to the same Penalties and Distresses for non-payment of public Taxes, and the Collectors of the said County are hereby required and directed to account for, and pay the Money by him so collected to the Commissioners aforesaid, after deducting six per Cent for their trouble in collecting the same; and in case of failure or neglect of the said Collectors, such Collector so failing or neglecting shall be liable to the same Penalties and recoveries as by Law may be had against Collectors of public Taxes in like cases.

VIII. And be it Enacted by the Authority aforesaid, That all manner of

Suits, Causes, Pleas, whether Civil or Criminal now Commenced and Depending in the County Court of Guilford shall continue and may be prosecuted to a final End and Determination; anything in this Act to the Contrary notwithstanding.

IX. And be it further Enacted by the Authority aforesaid, That the said County of Randolph shall be annexed to the District of Hillsborough, and three Jurymen shall be appointed by the said County Court to attend the Superior Courts of Hillsborough in the same manner and under the same Penalties as Jurors are appointed in other Counties.

X. And be it further Enacted by the Authority aforesaid, That all Justices of the Peace and all Militia Officers within the said County of Randolph, and also within all the new Counties erected and established at this present Session of Assembly shall continue to exercise their respective Offices and Commissions until the first Meeting of the Courts of the said respective new Counties.

CHAPTER XXIII.

An Act for Dividing Tryon County into two distinct Counties by the names of Lincoln and Rutherford, and for other purposes therein mentioned.

I. Whereas, the large extent of the County of Tryon renders the attendance of the Inhabitants on the extreme parts of said County to do publick duties extremely difficult and expensive; For remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That from and after the passing of this Act, the County of Tryon shall be divided into two distinct Counties, by a Line beginning at the South Line, near Broad River, on the dividing ridge between Buffalo Creek and Little Broad River, thence along said ridge, to the Line of Burke thence along said Line unto the old Cherokee line, thence a due West course into the top of a dividing ridge between the Eastering and Westering Waters, thence along said ridge unto the old line Claimed by South Carolina, and all that part of the said County which lies on the East side of the said line shall be called, and known by the name of Lincoln County, and all that part of the County which lies on the other or West side thereof, shall be called and known by the name of Rutherford County.

III. And be it further Enacted by the Authority aforesaid, That Sampson Lambkin, Benjamin Harden, John Walker & Jonathan Gullett be appointed Commissioners and are hereby required and impowered to run the said dividing line agreeable to the directions of this Act, which said Lines when run by the Commissioners, or a majority of them shall be entered on Record in the Court of each of the said Counties and shall hereafter be deemed and taken to be the dividing lines between the said Counties; which said Commissioners, shall be paid for their trouble and necessary expence for running the said lines; to be paid out of the County Tax of said Counties.

IV. And be it enacted by the Authority aforesaid, That after the said dividing line shall be run as in this Act Directed, the persons who are now in the Commission of the Peace for the County of Tryon shall be and continue Justices of the Peace for the Counties wherein they respectively reside at the time of running the aforesaid dividing line between the Counties of Lincoln & Rutherford and shall be impowered to hold Courts, and execute all and everything to the office of Justice of the Peace belonging in the said

Counties of Lincoln & Rutherford, without any new Commission; anything to the contrary notwithstanding.

V. Be it Enacted by the authority aforesaid, That Justices of the Peace shall be nominated and Commissioned and Courts held in each of the respective Counties of Lincoln & Rutherford in the same manner and with the same powers and Jurisdictions as Justices & Courts in the other Counties of this State; the Courts for the County of Lincoln shall be constantly held on the third Monday in April, July, October & January in each and every year, and the Courts for the County of Rutherford shall be constantly held on the fourth Monday in April, July, October & January in each and every year, and the first Court for the County of Rutherford shall be held at Col. John Walker's, and the Justices of the County of Rutherford are hereby authorized to adjourn to such place in their county as they shall think most convenient to hold all subsequent Courts at until a Court House shall be Built.

VI. And be it further Enacted by the authority aforesaid, That the sum of two shillings for two years be laid upon every Hundred pounds value of the Taxable property within the said County of Rutherford and a poll Tax of two shillings upon every Freeman whose property does not amount to the value of one Hundred pounds, for the purpose of Building a Court House, Prison & Stocks therein; which said Tax shall be collected by the Sheriff of the County aforesaid at such times and in the same manner as other Taxes are Collected and shall be paid to the person or persons who shall be impowered to receive the same; and if any surplus should arise from the said Tax that it shall be paid by the said Commissioners to the Court of the said County, to be by them applyed towards defraying the Contingent Charges of the said County.

VII. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be Construed to debar the Sheriff of Tryon County as it stood undivided to make distress for any Taxes, fees, or other dues, which shall be due from the Inhabitants of the said County on the first day of April next, in the same manner as by Law, the said Sheriff might or could do, if the said County remained undivided, and to the end that no action commenced in Tryon County be defeated by the division aforesaid, Be it enacted by the authority aforesaid, That where any action is already commenced in Tryon County and the parties or Evidences shall be Inhabitants of Lincoln County all subsequent process against such parties or evidences shall be directed to be executed by the Sheriff of Lincoln County to the end & final Determination of said Causes; any Law, Usage, or Custom to the contrary notwithstanding.

VIII. And be it further Enacted by the Authority aforesaid, That Benjamin Harden, Thomas Welch, Abraham Kuyrkendol, John Earls & John Potts, and they are hereby appointed Commissioners to lay off and appoint the place, where the Court House, Prison & Stocks for the use of the said County shall be built, and there to erect or cause the same to be erected.

IX. And be it enacted by the authority aforesaid, That the Sheriff of Rutherford County is hereby impowered and directed to account for and pay the money by him so Collected for the Purpose of Building the aforesaid Court House, Prison and Stocks to the Commissioners aforesaid after deducting his Commissions for collecting the same.

X. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the said Counties of Lincoln & Rutherford shall continue to be considered as part of the District of Salisbury.

XI. And be it further Enacted by the authority aforesaid, That the Com-

missioners, or a majority of them by this Act appointed, are hereby impowered and directed to employ workmen to build the Court House, Prison and Stocks in the said County of Rutherford—for the use thereof, and the said Court and all Causes and matters therein depending after such Court House shall be built, shall stand adjourned from the place where the Court shall have been held to the said Court House.

XII. And be it further Enacted by the authority aforesaid, that Christopher Carpenter, Valentine Money, James Reed, John Patrick & William Grimes, be and are hereby appointed Commissioners to purchase one hundred acres of Land in the most central and convenient part of the said County of Lincoln to erect a Court House, Prison & Stocks on, and to contract with and employ persons to build a Court House, Prison and Stocks in the County aforesaid.

XIII. And be it further Enacted by the Authority aforesaid, That an additional Tax of Two Shillings be for two years laid upon every Hundred pounds value of Taxable property within the said County, and a poll Tax of one shilling upon every Freeman for the purpose of Buliding a Court House, Prison and Stocks therein which said Tax shall be Collected by the Sheriff of the County aforesaid at such Times and in the same manner as other Taxes are collected and be paid to the person or persons who shall be impowered to receive the same, and if any surplus should arise from the said tax that it shall be paid by the said Commissioners, to the Court of the said County to be by them applied towards defraying the Contingent Charges of the said County.

XIV. And be it further enacted by the authority aforesaid, That all monies hitherto raised for the purpose of Building a Court House, Prison and Stocks in the County of Tryon be equally divided between the Counties of Lincoln & Rutherford, and the respective Commissioners herein named are hereby impowered to Demand, receive, or sue for the same, from all such persons as may have any in their hands.

XV. And be it further enacted by the Authority aforesaid, That from and after the passing of this Act it shall and may be Lawful for the County Court of the County of Lincoln to nominate and appoint three Jurors to attend the General Court held at Salisbury for the District of Salisbury, & for the County Court of Rutherford to nominate and appoint for said General Court three Jurors.

CHAPTER XXIV.

An Act to amend an Act, intitled an Act for Erecting a Prison in the Town of Edenton for the use of the District of Edenton, and other Purposes.

I. Whereas, the provision heretofore made for Erecting a Prison for the District of Edenton from the Great Scarcity & High Prices of Materials and the Difficulty of obtaining workmen is now insufficient to answer the purposes thereby intended; and, whereas, the Court House of the Said District is in want of some repairs which may now be done at a Small Expence but if Neglected will require a Considerable Sum for that purpose,

II. Be it therefore Enacted by the General Assembly and it is hereby Enacted by the authority of the same, That Joseph Hews, William Bennett, Charles Bonafield and Josiah Collins, Esquires, be and they are hereby nominated and appointed, Trustees and Directors for Building and Erecting a Good and Sufficient Prison for the use of the District aforesaid, and for

that purpose to Contract and agree with proper persons for Compleating and finishing the said Prison, in such Manner as they shall think Necessary and Convenient, and for making such repairs to the Court House of the said District as may be Necessary.

III. And be it further enacted by the Authority aforesaid, That an Assessment of One Shilling be levied on each Hundred pounds value within the County of Chowan, and of six pence on each Hundred pounds value within the County of Currituck, Pasquotank, Perquimans, Bertie, Tyrrel, Hertford, Camden and Gates for Two years to be collected for, the present and succeeding year by the Sheriffs or Collectors of the said Counties respectively exclusive of the Tax laid by the said before recited Act and shall be accounted for and paid to the said Trustees and directors at the same time in the same manner and under the like penalties and restrictions as by law is directed for collecting, accounting for and paying Public Taxes and shall be by the said Trustees & Directors applyed to the purposes of this Act, and the before recited Act, and also to the payment of such Ballance as may appear on Settlement to be due to the Trustees and directors heretofore appointed for erecting a Court House and Prison for the use of the District of Edenton.

IV. And whereas, in some of the Counties in said District no assessment was made, or Tax collected in the year 1778 for the purposes intended by the before recited Act, be it therefore Enacted by the Authority aforesaid, that the Sheriffs & Collectors of such counties as have neglected to pay the said Tax in the year 1778 shall and are hereby authorized and impowered to collect such arrears of Taxes at the time of their next Collection to the intent and purpose that the whole of the said Tax laid by the before recited Act, and by this Act may be duly Collected and paid in for the purposes aforesaid.

V. And whereas, no provision hath been made for the purchase of one or more Lotts in the Town of Edenton, whereupon the said Prison may be erected.

VI. Be it therefore Enacted by the authority aforesaid, That the said Trustees and Directors, or a majority of them be, and they are hereby impowered to purchase one or more Lotts in the said Town for the purpose aforesaid and to take one or more Deeds to themselves in trust for the use, benefit and behoof of the State of North Carolina in fee simple and that such lotts be hereafter improved for the purposes aforesaid.

VII. And whereas, it is highly necessary that the said prison be erected as soon as possible and there may be occasion for money for carrying on and compleating the said prison and Court House before the said Tax can be Collected.

VIII. Be it therefore Enacted by the authority aforesaid, That the said Trustees and Directors be and they are hereby impowered to Borrow as much money as they shall think necessary not exceeding the sum of three thousand pounds to bear interest at the rate of six per cent. per annum to be paid as soon as sufficient of the said Tax shall be received for that purpose.

IX. And be it further enacted by the authority aforesaid, That before the said Trustees and Directors shall enter upon their said Trust, or to take into their hands any of the moneys aforesaid they shall enter into bond in the sum of Five thousand pounds payable to the Justices of the County Court of Chowan and their successors with condition for the faithful Discharge of the trusts in them reposed by this Act and the before recited Act.

X. And be it further enacted by the authority aforesaid, That if the Taxes

arising by virtue of this Act and the before recited Act, shall be more than sufficient to compleat the purposes herein directed the surplus thereof, shall by the trustees herein named be paid to the Court of each county in proportion to the Taxes collected from each of the said Counties and paid by the Sheriffs to the said Trustees & Directors.

XI. And be it further Enacted by the Authority aforesaid, That Adley Osborn, David Woodson and John Dunn, or any two of them, be appointed Commissioners to employ workmen to build a new Court House in the Town of Salisbury and that a tax of four pence on every Hundred pounds of rated and assessed property be collected this year from the inhabitants of the county of Rowan, and Two pence on every hundred pounds rated and assessed property from the inhabitants of each and every other county in the District of Salisbury which Tax when Collected shall be paid to the aforesaid Commissioners and applyed to the above purpose.

XII. And be it enacted by the authority aforesaid, That John Broadford, Benjamine McCullock, John Geddy & Christopher Dudley, or any three of them be appointed Commissioners to Employ Workmen to repair the Court House in the Town of Halifax, and that a Tax of Four pence on every Hundred pounds of rated and assessed property be collected this year from the Inhabitants of the County of Halifax and Two Pence on Every Hundred Pounds of rated and assessed property from the Inhabitants of each and every other County in the District of Halifax which Tax when collected shall be paid to the aforesaid Commissioners and applyed to the above purpose—the said Commissioners to settle their accounts with the Assembly of this State.

XIII. And be it further enacted by the authority aforesaid, That the Courts of the New Counties made this General Assembly shall at their Sessions after the first Day of April next choose a Clerk, Sheriff, Entry Taker & Surveyor for each of the said Counties; and that the Surveyor appointed for any new County as aforesaid shall run out all such lands as were entered with the entry taker of the old County before the date of passing this act and shall make return of their works with the same power as the surveyor of the old county had.

XIV. And be it further enacted by the authority aforesaid, That all Justices of the Peace formerly in the Commission of the old County and now residing in the new County Shall exercise all the powers and authorities thereof as before until the time appointed by law for holding and Qualifying in said new Courts and also in Lieu of a Sheriff to hold an Election in said New Counties that any three of said old Justices shall appoint some proper person to hold the election for members to represent said County in the General Assembly and make return which shall be equally valid with a return made by any sheriff; any Law to the contrary notwithstanding.

CHAPTER XXV.

An Act for the regulation of the Town of Newbern and for other purposes therein Mentioned.

I. Whereas it is become necessary that Sundry Laws passed before the declaration of Independence for Settling and regulating the Town of Newbern from the change of Government should be amended and continued.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the Authority of the same, that an

Act of Assembly passed at Edenton the twenty-third of November, one thousand seven hundred and seventy-three, Intitled an Act for better setling the town of Newbern in the Precinct of Craven, and that the twelfth and thirteenth sections of an Act of Assembly passed at Edenton the twenty-first day of August, one thousand seven hundred and forty, Intitled An Act to enable the Commissioners hereinafter mentioned to erect and finish a Church in Newbern in Craven County and parish in the province aforesaid, and for the better regulation of the said Town, and other purposes therein mentioned, and that An Act of Assembly passed at Newbern the twenty-seventh of September, one thousand seven hundred and fifty-one, Intitled An Act to Confirm four Lots in Newbern Town lately conveyed to the Commissioners for Public Buildings, for the use of the Public forever; and also the sixth, seventh, eighth, ninth, tenth, eleventh, eighteenth and nineteenth sections of an act of Assembly, passed at Newbern the thirteenth day of September, one thousand seven hundred and fifty-six, Intitled An Act for the better regulation of the Town of Newbern, and for securing the Titles of persons who hold Lots in the said Town; and also one other Act of Assembly, passed at Newbern the nineteenth day of November, one thousand seven hundred and seventy-one, Intitled An Act for amending an Act for the better regulation of the Town of Newbern, and for securing the Titles of Persons who hold Lots in the said Town, shall be and are hereby confirmed and continued in force and use and shall be received as evidence in any Court of Law or Equity where Suits may be hereafter commenced for recovery of any Lot or Lots within the said Town, where the Titles of such Lots may come into question by any person or persons having a legal claim and instituting his, her or their suit for recovery thereof.

III. And be it further enacted by the Authority aforesaid, that the Books in which the proceedings of the Commissioners were entered by themselves or their Clerk of the Town respecting the election of Commissioners, laying Taxes, granting and conveying Lots, Entries of Lots, Certificates Granted certifying that the same Lots had been built on as the Law required, and expressed in their Commissioners' Deed and also the Book of Entries in which the first entries were made by the Treasurer of the town, for all lots to be granted, that the said Books and all the legal proceedings and acts of the Commissioners therein entered agreeable to the Acts of Assembly above recited, shall be and are hereby confirmed and shall be received as evidence in any Court of Law or equity where the titles of Lots may come into question.

IV. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the freeholders and freemen within the town of Newbern to meet at the Court House in their said Town on the second Tuesday in May next, and there to elect by ballot five freeholders of the said Town to be Commissioners of the same, and the Sheriff of Craven County, or his Deputy, is hereby required to attend on the same day at the hour of ten o'clock in the morning, open the poll and be provided with a small box, into which the Tickets shall be put in the presence of two Inspectors and the returning officer, and each Inspector shall take down in separate lists the name of every person voting, and when the election shall be finished the returning officer and Inspector shall, in the presence of such electors as may choose to attend, open the Box, and number the ballots, at the same time reading aloud the names of the persons who shall appear in each Ticket, and if there shall be two Tickets rolled up together, or if any ticket shall

contain the names of more than five persons, in either of these cases, it shall not be numbered in taking the Ballots, but shall be adjudged void; and in like manner, the said Sheriff or his Deputy, first giving ten days' notice, shall, on the second Tuesday in May, annually, open the poll, remove the votes and proclaim the Commissioners for the ensuing year, under the penalty of one hundred pounds, lawful money of this state, for every neglect or refusal of complying with the directions of this act to be recovered from the said Sheriff by action of Debt, bill, plaint or Information, in any Court of Record in this State, by any person or persons who shall sue for the same in one year after such neglect or refusal, one-half to the prosecutor and the other half to be paid to the Treasurer of the Town for the use of the said Town, to be applied by the Commissioners toward the contingent charges of the town; and the Commissioners so chosen and elected, and their names being entered on the Journals of the said Town, shall, before they enter upon the execution of their said office, take the Oath of Allegiance to the State before some Justice of the Peace, and also the following oath, viz.: "I, A. B., do swear that I will execute the office of a Commissioner for the Town of Newbern faithfully & to the utmost of my power in all things act for the good of the said Town and the well-governing thereof, to the best of my skill and judgment, agreeable to Law, So help me God." Which said Commissioners, after they have been so sworn, shall proceed to choose one out of their own number to be the Treasurer of the said Town for that year, into whose hands all monies arising or becoming due to the said Town shall be paid, and there kept until otherwise disposed of for the benefit and improvement of the said Town, as the said Commissioners or a majority of them shall direct.

V. And be it further enacted by the authority aforesaid, that the said Treasurer, before he shall enter upon the execution of his said office, shall take the oath of Allegiance to the State before some Justice of the Peace, and shall give bond with two sufficient Securities in the sum of one thousand pounds, lawful money of this State, to the Commissioners of the said Town and their successors, for the faithful discharge of his office and accounting for and paying all monies which may come into his hands when called upon by the succeeding Treasurer or Commissioners, which bond the said Commissioners are hereby authorized and empowered to take.

VI. And be it further enacted by the authority aforesaid that the Commissioners of the said Town shall choose and appoint a proper person to be their Clerk of the said Town, to act as such during good behaviour, who before he enters upon the execution of his office shall take the oath of Allegiance to the State and enter into Bond to the Commissioners of the said Town and their successors with two sufficient securities in the sum of five hundred pounds, lawful money of this State, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the Books and papers put into his care, and keeping a regular and Fair Journal of the proceedings of the Commisioners during his continuance in the said office, and the said Clerk is hereby authorized and required to Demand and receive from the person or persons in whose hands the same may be all the Books, Journals and papers belonging to the said Town, which were in the care and possession of the former, to which books, Journals and papers all persons shall have free access on paying two shillings, under the penalty of forty shillings for every refusal.

VII. And be it further enacted by the authority aforesaid that if any of the said Commissioners before the next annual election should die, re-

move out of the County or refuse to qualify, the remaining Commissioners shall elect and choose others in the room and stead of those dying, removing or refusing to qualify as aforesaid, which said Commissioners so chosen and qualifying by taking the oaths as aforesaid shall have the same powers as the other Commissioners have by this act, and for the better determining who shall be qualified to be elected as a Commissioner of the Town,

VIII. Be it enacted, that no person shall be deemed qualified to act as Commissioner of the Town of Newbern unless he hath a Lot of Land therein with a house on the same of no less dimensions than twenty feet long and sixteen feet wide, with a brick chimney to the same, in his own right in fee, and who shall have beside a visible Estate of at least one hundred pounds, lawful money.

IX. And be it further enacted by the authority aforesaid, that the Commissioners and Inhabitants shall have free Liberty to hold all their public meetings on all Questions in the Court House of the said Town, and that from and after the passing of this Act it shall and may be lawful for the Commissioners of Newbern or a majority of them, to meet at the Court House aforesaid some time in the month of May or June, annually, and when met shall proceed to nominate and appoint one of their number to receive a List of Taxable property for the year ensuing, and give public notice thereof by advertisement to the Inhabitants of the said Town to appear before such Commissioners so appointed and give in upon oath a list of his, her or their taxable property which they may own or possess in their own right or as an executor, Administrator, Guardian, et cetera, in the said Town, which oath the said Commissioner is hereby authorized and impowered to administer; and the person or persons who shall neglect or refuse to give in his or their List in manner and form aforesaid within twenty Days after notice given as aforesaid shall forfeit and pay the sum of forty shillings for each and every neglect, and also shall be liable to pay a double Tax for that year; and the Commissioner so appointed to receive the List of Taxable property is hereby required to return the said List by him taken to the Commissioners or the treasurer of the Town without delay; and the Commissioners are also required as soon as convenient to set up a Copy of such Lists at the Court House in the said Town every year, and that the Clerk of the said Town shall enter a Fair copy thereof in the Journals of the Commissioners, under a penalty of fifty pounds for every neglect or refusal, to be recovered by action of Debt in the Inferior Court of Craven County by any person who will bring suit for the same, one-half to the prosecutor and the other to the Commissioners for the use of the town; and be it further enacted by the authority aforesaid, that if the Commissioners of the said Town shall neglect or refuse to nominate and appoint annually one of their number agreeable to the direction of this Act to take the said List of taxable Property as aforesaid, they shall forfeit and pay the sum of fifty pounds, lawful money, to be recovered by Action of Debt in the Inferior Court of Craven County by any person who will bring suit for the same, one-half to the prosecutor and the other half to the use of the Town; and the Commissioners of the said Town, or a majority of them, are hereby authorized and empowered some time in the month of July, annually, to lay a tax, not exceeding four shillings on each hundred pounds value of all the taxable property in the said Town, for the purpose of defraying the Contingent charges thereof; and the said Commissioners, or a majority of them, are also empowered and required, some time in the month of July, annually, to appoint three Freeholders of the said Town to assess the value

of the Taxable property therein, which assessors are hereby required to assess the same in the manner and under the rules and restrictions as directed in an Act of Assembly for assessing Taxable property and collecting Public Taxes, et cetera.

X. And be it further enacted by the authority aforesaid, that the Commissioners, or a majority of them, shall annually at the time of laying the Town taxes, nominate and appoint a proper person to collect the same, to whom shall be delivered a fair Copy of the List of Taxable Property and assessment taken for that year agreeable to this act, and the person so appointed, before he enters upon the execution of his office, shall, before some Justice of the Peace in Craven County, take the oath of Allegiance to the State and enter into Bond with sufficient security in the sum of five hundred pounds, Lawful money of this State, to the Commissioners of the Town and their successors; and in case the person so appointed shall refuse to serve or fail to give security as aforesaid, the said Commissioners shall and may proceed to nominate and appoint any other person who may be willing to act and enter into Bond with security in manner as aforesaid; and the Collector so appointed shall, and is hereby empowered, directed and required to collect the said Taxes and pay the same to the Treasurer of the said Town on or before the tenth day of October in every year, after deducting four per centum commissions for his Trouble in making the said Collection; and if any such Collector shall neglect or refuse to account for on Oath and pay the several Taxes wherewith he is chargeable, according to the Directions of this Act, after deducting his Commission, it shall and may be Lawful for the Superior Court of Newbern District, or the Inferior Court of Craven County, on motion of the Commissioners or the majority of them, or on motion of the Treasurer of the Town, on their behalf, to give Judgment against such collector and his Securities for all monies wherewith he shall or may be chargeable to the Town, with costs of Suit, and thereupon to award execution against the body or against the goods and chattels, Lands and Tenements of such Collector and his securities; Provided, always, that the said Collector shall have ten days' previous notice of such Motion.

XI. And be it further enacted by the authority aforesaid, That if the Inhabitants of the said Town or others being liable by this Act, shall neglect or refuse to pay the said Tax on or before the tenth Day of September in every year, it shall and may be lawful for the Collector to levy the same by Distress and sale of the Offender's Goods and Chattels, and shall take and receive for his trouble thirty shillings for each distress, and no more; and after deducting the Taxes due, and fee for Distress, the overplus of the Goods and Chattels sold, shall be returned to the owner.

XII. And be it further enacted by the authority aforesaid, that the Commissioners of the Town so chosen, and being qualified agreeable to the Directions of this Act, shall be and are hereby incorporated into a Body Politic and Corporate by the name of the Commissioners of Newbern, and by that name to have annual succession by the election of Freeholders and Freemen of the said Town, as by this act is before directed, and a common seal; and that they and their successors by the name aforesaid shall be able and capable in Law, to have, purchase, receive, enjoy, possess and retain to them and their successors for ever in trust and confidence for the said Town, any Lands, rents, Tenements and Hereditaments of what kind, nature or quality soever, and also to grant, sell, demise, alien or dispose of the same; also to receive or take any gifts or donations whatsoever to the said Town, and by the same name to sue and implead, be sued and impleaded,

answer and be answered, in all Courts of Record whatsoever; and from time to time, and at all times hereafter, under their common seal, to make such rules, orders, regulations and ordinances as to them shall seem meet for re-paving the Streets, erecting public wharves, appointing Market places and regulating the same, erecting public pumps and keeping in repair those already erected, appointing Town watchers or patroles, and making proper allowances for services and for all such other necessary ordinances, rules and orders, which may tend to the advantage, improvement and Good Government of the said Town; and the same rules, Regulations and Ordinances from time to time to alter, change, amend or discontinue, as to the said Commissioners or a majority of them shall appear necessary and best answer the purposes intended for regulating and governing the said Town; and also shall have full and ample power to force a compliance and observance to such necessary regulations by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding the sum of five pounds, Current Money, for every refusal or neglect, to be recovered by Warrant under hand and seal of some Justice of the Peace of the County of Craven, directed to the Sheriff, Deputy Sheriff or Town Constable, to summon such delinquent to appear before such Justices at a certain day mentioned in the said Warrant, and on conviction the said Justice is hereby required to give Judgment and award execution, which the said officer is hereby required to execute by Distress and Sale of the Offender's Goods and Chattels, which fine when levied and received shall be paid into the hands of the Treasurer of the Town, who is to receive the same as part of the Common Stock of the Town, and by him to be accounted for; and the Commissioners, or a majority of them, are hereby invested with full power and authority to lay out and appropriate all monies which shall be paid into the Treasury of the said Town by this Act as they shall think most for the good of the said Town.

XIII. And be it further enacted by the authority aforesaid that the Commissioners shall provide a Book in which shall be kept an account of all monies by them received and expended, and once in every year a transcript therefrom shall be by the Commissioners made out and set up in the Court House for the satisfaction of the Inhabitants of the said Town, under the penalty of twenty pounds, lawful money of this State, for every neglect or refusal, to be recovered in the Inferior Court of Craven County by any person who shall sue for the same by action of Debt, Bill, Plaint or Information, one-half to him or them who shall sue for the same, the other to the benefit of the Town, to be paid to the treasurer thereof.

XIV. Whereas, at an Assembly begun and held at New Bern, the nineteenth day of November, one thousand seven hundred and seventy-one, An Act was passed, entitled "An Act for amending An Act entitled An Act for the better Regulation of the Town of Newbern, and for securing the titles of persons who hold lots in the said Town," which said recited Act directed and required the Commissioners of the Town of Newbern to lay out a Street in the said Town from the North side of Pollock Street, at right angles with the East and West corners of the North point of the palace to the bounds of the Town, which Street so laid out shall be called and known by the name of George Street; and that the Street called Eden Street, from Pollock Street Northward, be thenceforth discontinued; and that the said Commissioners, after having so laid out the said George Street, and set up marks at the corners of the several squares in the said Town, shall make, or cause to be made, a fair and accurate plan of the said Town. And,

whereas, the Commissioners did proceed in virtue of the said Act of Assembly to lay out the said Street, called George Street, and have also made a fair and accurate plan of the said Town, with proper descriptions, and set up marks at the corners of the several squares, as the above recited Act directs, which plan, and one copy thereof made on parchment, have been laid before this present Assembly: For Confirmation, therefore, be it enacted by the authority aforesaid, that the said plan shall ever hereafter be deemed the true plan of the said Town, and shall be lodged in the Register's office of the County of Craven, and one copy thereof lodged with the Clerk of the said Town, by him to be safe kept, and that all persons may have free access thereto on paying of two shillings for each inspection; and if the said Clerk shall refuse or neglect to show the said plan to such persons as shall require the same, on paying the fee aforesaid, he shall for every such refusal or neglect forfeit and pay the sum of forty shillings, to be recovered by the party requiring the same, by a Warrant before any Justice of the Peace with Costs, and in order to ascertain the true Beginning,

XV. Be it further enacted, that the South west corner of the Church, Lot number sixty-six, where stands a stone fixed in the ground, so as to make the course from the corner of the Church above the water table of the same to bear South Sixty-two Degrees West Twenty-eight feet nine inches, to the said Stone, which shall forever hereafter be deemed the proper beginning of the plan of the said Town.

XVI. And be it further enacted by the authority aforesaid, that in case any part of the Houses, fences or other improvements, belonging to any of the Inhabitants of the said Town, shall appear to be in the Streets of the said Town, or any part of the Lots of other Inhabitants thereof, occasioned by running the streets agreeable to the aforesaid plan, then, and in that case, the proper owner of any such Houses, fences or other Improvements, shall and may have his option, whether to remove such improvements, or to use, occupy or possess the same, as heretofore. Provided all such owners shall not amend or repair such fences; anything in this Act to the Contrary notwithstanding.

XVII. And whereas, by an Act of Assembly, passed at New Bern the fifth day of December, one thousand seven hundred and sixty-seven, Intitled "An Act for Investing certain Lots in the Town of Newbern in his Excellency, the Governor, and his Successors," in the fifth section of the said recited Act it appears that part of Front Street, from Metcalf to Eden Street, being the South front of the Palace, was then vested in the Governor, which has been Prejudicial to many of the Inhabitants of the Town, by means of that part of the Street being stopped, which obstruction has been much complained of: For remedy whereof,

XVIII. Be it Enacted by the Authority aforesaid, that it shall and may be lawful for the Commissioners of the Town, or a majority of them, to cause that part of Front Street, which, by the said recited Act, was vested in the Governor, to be again opened for the benefit of the public, in the same manner as any other Street of the Town, any Law to the Contrary notwithstanding; and that so much of the said recited Act that comes within the purview of this Act, is hereby repealed and made void.

Provided, always, that the moving the fence from the South side of the Street to the North side, on the bounds of the Palace Square, shall be done at the proper Cost and charges of the Town by the Commissioners.

XIX. And be it further enacted by the authority aforesaid, that all that part of the front of the Town of Newbern aforesaid, commonly called Union

Point Front, Beginning at the angle made by the intersection of the South side of Front Street of Trent River, and the East side of Front Street of Neuse River, running with Front Street Easterly to the Channel of Neuse River, then down Neuse River Channel to the mouth of Trent River Channel, then with Trent River Channel to the Eastermost side of Front Street, then with said Street to the Beginning, shall be, and is hereby vested in the Commissioners of the said Town of Newbern to be elected in Virtue of this Act, and their successors, forever, to and for the use of the said Town; and that the said Commissioners, and their successors, forever, shall and may take and receive the rents, Issues and profits of the same, for the use of the said Town, and to and for no other use, intent or purpose, whatsoever.

CHAPTER XXVI.

An Act to lay off and establish a Town near Chatham Court House on the Plantation and Land formerly the Property of Ambrose Edwards, now entered in the Land Office by Ambrose George, in said County.

I. Whereas, Representation hath been made to the General Assembly, that the Inhabitants of Chatham County are very desirous of having a Town laid off and established on the said plantation and Land, being a healthy, pleasant situation and well Watered, which from the many Neighboring Inhabitants and rich and extensive settlements would be a very proper and convenient place for that purpose, was the same established by Lawful authority, which would Encourage Merchants, Traders and Artificers to become settlers therein, and thereby would greatly promote an Inland Trade, greatly to the Benefit of the Western Inhabitants of this State;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that two Hundred Acres of the said Land, including the Plantation aforesaid, be laid out for a Town and Town Commons and be established by the name of Chatham, and that Jeduthun Harper, Edward Waddell, Matthew Jones, Mial Scurlock, James Williams and John Ramsay, from and after the passing of this act, be and are hereby appointed and constituted Commissioners and Trustees for laying out, Building and carrying on the said Town; and they, or a majority of them, shall, so soon as may be after the passing of this Act, cause the said Two Hundred Acres of Land to be laid off into Two Hundred Lots of half an Acre each, with convenient Streets, and the remainder to be reserved as a Town Commons for the use of the said Town; and that a majority of the said Commissioners and Trustees shall have full power and authority to meet as often as they shall think necessary, and cause a plan of the said Town to be made, and therein mark or number each lot in the several squares thereof; and from and after the passing of this Act, they, and each of them, shall have full power to take subscriptions for the said Lots of such persons as shall be willing to subscribe for the same; and when the said Town shall be fully subscribed for, the said Commissioners shall appoint a day and give public notice thereof for the drawing of the said Lots, which shall be done by Ballot in a fair and open manner by the direction, and in the presence of a majority of the said Trustees, and such subscriber shall be entitled to the Lot which shall be drawn for him and correspond with the mark or number contained in the plan of the said Town, and the said Commissioners are hereby impowered to grant good and sufficient Titles in fee simple to the said Lots at the Cost of each Subscriber;

provided, Nevertheless, that every Grantee, his Heirs and Assigns of any Lot in the said Town so conveyed shall within five years next after the date of the conveyance of the same erect, Build and finish on the said Lott so conveyed one Brick, Stone or well framed House of the dimensions of twenty feet long and sixteen feet wide, and Ten feet pitch in the Clear at least, with a Brick or Stone Chimney; and if the owner of any Lot shall fail to comply with the directions herein prescribed for Building and finishing a House thereon, then such Lot upon which such house shall not be Built and finished as aforesaid, shall be vested in the said Commisioners and Trustees, and they or a majority of them shall and are hereby authorized to sell (on public notice first given) such Lot to the highest Bidder, to whom shall be Granted and Conveyed such Lot, under the like Regulations and restrictions as the same was before Granted, and the Money arising from such sale to be applied by the Trustees aforesaid or a majority of them for the Benefit and Improvement of the said Town.

III. And be it further enacted by the authority aforesaid, that each respective subscriber for any Lot in the said Town, shall, at the time of drawing for the said Lots, pay into the hands of the said Commissioners the Sum of Ten Pounds and one Dollar, and the said Commissioners are hereby directed to pay to the present proprietor the said sum of Ten Pounds for each Lot drawn for, at the time the said Proprietor relinquishes his Title to the same, and that the Dollar to be paid on each Lot to be kept in the hands of the said Commissioners to pay the contingent charges of laying off and Erecting the said Town.

IV. Be it Enacted by the authority aforesaid, that in case of the refusal, Death or removal out of the County of any of the said Commissioners, the surviving Commissioners and Trustees, or a majority of them, Assembled together, shall and are hereby impowered to appoint from time to time by Instrument in writing under their Hands and Seals, some other person, being a Freeholder in the said Town and County in the place of him so refusing, Dying or removing out of the said County, which said Instrument of Writing shall be Recorded in the County Court and Registered in the Register's Office; which new Trustee so appointed shall thenceforth have the like power and authority in all matters and things herein contained as if he had been expressly named and appointed by this Act.

CHAPTER XXVII.

An Act for erecting a Court House, prison and Stocks in Brunswick County, and for other purposes.

I. Whereas, a Court House, prison and Stocks in Brunswick County is absolutely necessary for the Conveniency of the Inhabitants thereof,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, that William Goss, Edward Wingate and Samuel Leonard be and are hereby appointed Commissioners for the purposes aforesaid, and that they, or a majority of them, are hereby authorized and empowered to agree and contract with Workmen for building a Court House, Prison and Stocks, for the use of the County of Brunswick, at or near Lockwoods-Folly-Bridge. And that in case of the Death, removal or refusing to act of any of the aforesaid Commissioners, that the other Commissioners, or a majority of them, shall have power to appoint others to act in their stead, and that the Commis-

sioners so appointed shall have the same powers as those appointed by the General Assembly.

III. And be it Enacted by the Authority aforesaid, that a Tax not exceeding the sum of One Shilling and sixpence on every Hundred pounds value of Taxable property in the said County, and the like sum on every person liable to pay tax in the said County, who is not possessed of one Hundred pounds value, to be paid annually, for the Term of three Years, and to be collected by the County Collectors, at the same time, and in the same manner that the public Tax shall be collected; And shall be by them paid into the Hands of the Commissioners, or either of them, who shall be accountable to the County Court of Brunswick for the sums which they shall have received; and the Balance, if any, after compleating the aforesaid Buildings, shall go towards defraying the County Charges.

IV. And be it Enacted by the Authority aforesaid, that from and after March next, the Court for the said County be held at John Bell's until the Court House shall be built.

CHAPTER XXVIII.

An Act for annexing Part of Halifax County to Edgecombe, and other purposes.

I. Whereas, the lower Corner of Halifax County that lies next to Fishing Creek is much more Convenient to the Public Buildings of Edgecombe County than to those of Halifax; for Remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the Authority of the same, that from and after the passing of this Act all that part of Halifax County lying below a Line begining at John Wall's and Drewry Crokers dividing Corner Tree on Fishing Creek, then along said Wall's Line to the back Corner, thence a Direct Line as near as may be to the Fork of the Marsh Swamp at or near Matthew Parker's, then down said Swamp to Deep Creek and across said Creek to the Mouth of the Indian Branch, then the Various Courses of said Branch to the Martin County Line, shall be held and deemed part of the County of Edgecombe, and the Inhabitants thereof shall be under the same Rules and Restrictions as the other Inhabitants of Edgecombe are.

Provided, nevertheless, that nothing herein contained shall be construed so as to hinder any former Sheriff, Collector or Tax Gatherer from Collecting his or their Taxes in the Same Manner as if this Act had never been made.

III. And whereas, several of the Inhabitants of that part of Halifax County that by this Act is annexed to Edgecombe have entered Land in the Entry Office of Halifax,

IV. Be it therefore Enacted by the Authority aforesaid, That where any Person shall have entered Land as aforesaid, the Entry Taker of the County of Halifax is hereby impowered and directed to make out the Warrants and Orders of Survey and direct them to the Surveyor of Edgecombe County, which Said Surveyor is hereby ordered and impowered to Survey said Land, to take the same Fees and make the same Transmittance thereof as if the same had been entered in the Entry Office of Edgecombe.

V. And be it further enacted by the Authority aforesaid, that Major Isaac Sessums, William Hackney, John Whitaker and Benjamin Dickens be appointed Commissioners, and they, or a majority of them, are hereby

impowered and required to run the dividing Line between the Counties of Halifax and Edgecombe, agreeable to the Directions of this Act; which said Line, when run by the Commissioners aforesaid, shall be by them entered on Record in each of the said Counties of Halifax and Edgecombe.

VI. And, whereas, that part of the deviding Line between the Counties of Edgecombe and Pitt on the North side of Tar River (as by Law directed) has never been run,

VII. Be it therefore Enacted by the Authority aforesaid, That Jacob Little, Amos Adkinson and Charles Walderson are appointed Commissioners, and they are hereby impowered and directed to run said Line; beginning on Martin County Line, as near as they conveniently can in a direct Course between the dwelling House of William Jackson and the Mouth of the Cheeks Run on Tar River; then a Straight Course to the Mouth of said Cheeks Run on said River; which Line when run, by the Commissioners, or a majority of them, agreeable to the Directions of this Act, shall be by them entered on Record in each of the Counties of Edgecombe and Pitt.

CHAPTER XXIX.

An Act to Establish an Academy in the Neighborhood of Hillsborough.

I. Whereas, the proper Education of Youth in this State is highly necessary and would answer the most valuable and beneficial purposes to this State, and the good people thereof; and, Whereas, the Neighbourhood of Hillsborough from the Healthiness of its Situation, and the great plenty of provisions with which it abounds, is a fit and proper place to erect a Seminary; And, whereas, a number of Gentlemen have, in order to promote and encourage such a valuable and beneficial establishment as the Erecting of a Seminary at the place aforesaid, subscribed very considerable Sums which, together with what Sums may be subscribed, will be sufficient to answer all the expense attending the same;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, that William Hooper, Alexander Martin, John Kinchen, Thomas Burke, Thomas Hart, Nathaniel Rochester, James Hogg, William Johnston, Esquires, and the Reverend Mr. Frazier, be, and are hereby constituted and appointed Trustees, with full power and authority to receive into their Hands and possession all Monies which have already been subscribed, or which shall be hereafter subscribed, for the purpose of erecting a Seminary in the Neighborhood of Hillsborough, and to ask for and Demand of the several Subscribers all sums by them respectively subscribed; and in case of refusal by any of them to pay the same, to sue for and recover by Action of Debt, in the name of the said Trustees, the sum which the person so refusing shall have subscribed, in any Jurisdiction having Cognizance thereof; and the said Monies when by them collected and received, to be applied to the uses and purposes hereinafter mentioned, Viz., that the said Trustees, or a majority of them, shall immediately after ratification of this Act, meet in the Town of Hillsborough and make choice of some convenient and suitable place in the Neighbourhood of the said Town to erect the aforesaid Seminary, and to contract for and purchase the same, & after such purchase made, to employ persons to build suitable and convenient Houses, to contract with and Employ Tutors, and to perform every Act or Acts, Thing

or Things, which they shall think necessary for the advancement and promotion of the said Seminary.

III. And be it further enacted by the Authority aforesaid, that the said Seminary shall be, and it is hereby directed to be, an Academy, by the name of Science Hall.

IV. And be it further Enacted by the Authority aforesaid, That the said Trustees of the said Academy of Science Hall, shall be, and are hereby declared to be invested with the same Rights, Powers, Privileges and Immunities, to all intents & purposes whatsoever, as the Trustees of the Academy of Liberty Hall are invested with, by an Act of General Assembly of this State, passed in Newbern on the eighth day of April, one thousand seven hundred and seventy-seven, intitled "an Act for Incorporating the President and Trustees of Liberty Hall, in the County of Mecklenburg"; and the said Academy shall be, and is hereby declared to be under the same Rules, Regulations and Restrictions, as the said Academy of Liberty Hall is by the said Act.

CHAPTER XXX.

An Act to invest the Property of a Bridge or Causeway in Gideon Lamb, his heirs and Assigns (by him already built through the Great Dismal Swamp, from Lebanon to Camden County) for the Term of Twenty-five Years.

I. Whereas, a Bridge or Causeway through the Great Dismal Swamp, from Lebanon to Camden County, is much for the Convenience of Travellers, and of public Utility, and Gideon Lamb having already built one at a considerable Expence, only Aided by a small Subscription of the adjacent Inhabitants, who consent and petition that he should be allowed the Privilege of taking and receiving from Travellers (foot passengers excepted) Such Rates as the Courts of Pasquotank or Camden County shall, from Time to Time, direct for Crossing Relfe's Ferry; and petitioning to be invested with the sole Property of the said Bridge or Causeway for the Space of Twenty Five Years;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the Same, That it shall and may be Lawful for the said Gideon Lamb, his Heirs or Assigns, to keep a Sufficient Gate on the Bridge or Causeway built by him through the Great Dismal Swamp, from Lebanon to Camden County, and take and receive from all persons that shall pass over the same (foot passengers excepted) Such Rates as the Courts of Camden and Pasquotank Counties shall direct, to be paid at the same Time by Passengers Crossing Pasquotank River, at Relfe's Ferry, being the same distance, for and during the Space of Twenty Five Years, and no longer.

III. And be it further Enacted, That during the Time the said Bridge or Causeway shall be kept in sufficient Repair, and fit for Travellers and Carriages to pass and repass the same, it shall not be lawful for any person whatsoever to build any Bridge or Causeway, or Set any person or persons, Carriage or Carriages, Cattle, Hogs or Sheep, over the said Swamp, for Fee or Reward, within one Mile of the said Bridge or Causeway, during the Time aforesaid, under the Penalty of Fifty pounds, proclamation Money, for each and every offence; to be recovered by the said Gideon Lamb, his Heirs, Executors, Administrators or Assigns, in any Court of Record in the said State, to be applied to the use of the proprietor of the Bridge built by the said

Gideon Lamb; and during the said Time, the Right and Property of the said Bridge or Causeway is hereby invested in the said Gideon Lamb, his Heirs, Executors, Administrators or Assigns.

CHAPTER XXXI.

An Act to Impower the County Courts of Martin and Tyrrell to lay a further Tax for Defraying the Expence of the Public Buildings in said Counties.

I. Whereas, by an Act of the General Assembly passed at Newbern the nineteenth day of March, 1774, entitled an Act for Erecting part of the Counties of Tyrrell & Halifax into one distinct County by the name of Martin, and for other purposes therein Mentioned; and, Whereas, the Tax laid by the said Act is found insufficient to defray the Expence of the Public Buildings of the Counties of Martin and Tyrrell aforesaid;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, that the County Courts of Martin & Tyrrell be authorized and impowered to lay a Tax for one Year, not exceeding two Shillings, to be levied on every hundred pounds value of all the Taxable property of the said Counties of Martin & Tyrrell, and a poll Tax not exceeding two shillings on every taxable person in the said Counties of Martin and Tyrrell that is not possessed with taxable property to the amount of one hundred pounds, which tax shall be collected in the same manner as other public taxes; and such Tax, when collected, shall be paid into the Hands of the Commissioners of the respective Counties of Martin & Tyrrell, appointed in the above recited Act, and be by them applyed towards paying the workmen imployed to complete the public Buildings of the said Counties, and the surplus (if any) shall be paid to the Courts of each of the said Counties and be by them applyed towards defraying the contingent charges thereof: Provided, nevertheless, that it shall and may be Lawful for the County Courts of Tyrrell and Martin aforesaid to make such further allowance to the persons who undertook and completed the aforesaid public Buildings, as they may judge reasonable and necessary, exclusive of the sums they contracted and agreed for; anything in this or the before recited Act to the Contrary notwithstanding.

CHAPTER XXXII.

An Act to impower the Court of Bertie County to levy a further Tax for Compleating the public Buildings of said County.

I. Whereas, by an Act of Assembly for that purpose made and provided, the Justices of the County Court of Bertie were impowered to appoint Commissioners to agree and contract with a Workman or Workmen for erecting and Completing the public Buildings of said County, in pursuance of which Commissioners have been appointed, who contracted with a certain Thomas Rhoods for the purpose aforesaid; who, from the unforeseen Consequences of the present War, and the great depreciation of the present Currency, is like to be greatly distressed by complying with the said Contract, unless a further allowance be made him;

II. Be it therefore Enacted by the General Assembly of the State of

North Carolina, and it is hereby Enacted by the Authority of the same, that a farther tax of two Shillings and six pence be levied on every Hundred pounds value of taxable property in said County, and a poll tax of two Shillings and Six pence on every person in said County not possessed of taxable property to the value of One Hundred pounds, for the space of two years; which Taxes shall be collected and Accounted for in the same manner as other County Taxes, and shall be paid into the Hands of the Commissioners, and by them appropriated towards making such farther allowance to the said Thomas Rhoods as they shall deem equitable and just, for compleating the Buildings aforesaid; and the Surplus, if any, shall be by the Court of said County applied towards defraying the Contingent Charges thereof.

Read three times and Ratified in General Assembly, the 12 Day of February, Anno Dom. 1779.

ALLEN JONES, S. S.
THOS. BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1779.

At a General Assembly, begun and held at Smithfield on the third day of May, in the year of our Lord, 1779, and in the third year of the independence of the said state: Being the first session of this assembly. *Richard Caswell, Esq.*, Governor.

CHAPTER I.

An Act for raising regular forces for the defense of this and the neighboring states, and for other purposes.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That any ten of the militia, who shall, on or before the 1st day of July next, inlist one able bodied man into the continental service for the space of eighteen months, or a longer period, they shall during the time of such inlistment be cleared from all military duties or dratts whatsoever, except when this state shall be invaded, or in case of domestic insurrection; but to intitle themselves to this exemption, they shall by their own oaths, and likewise by the oath of an indifferent person, prove such inlistment to have been bona fide made, agreeable to the true intent and meaning of this act, and shall likewise produce on oath from the colonel or commanding officer of any county within this state, a receipt for such soldier to him actually delivered; which requisites being performed, the field officers of the county in which they reside are hereby ordered and directed to grant them a discharge, under the penalty of forfeiting one thousand pounds each for every refusal, to be recovered in any court of record having cognizance thereof by the parties grieved, and applied to their own use; And the field officers of any county within this state, who shall grant a discharge to any person or persons contrary to the directions of this act, shall forfeit five hundred pounds each for every offence, to be recovered by any person suing for the same, and applied to his own use; and each of them shall be for ever after incapable of holding any office, either civil or military, within this state.

II. And be it further enacted, by the authority aforesaid, That the colonel or commanding officer of any county to whom such inlisted soldiers shall be delivered over, shall cause such soldiers to be marched to a place of rendezvous within the county in which such officer shall command; and the governor of this state is hereby impowered and directed to appoint such place of rendezvous, and to direct one or more officers of such regular troops to give attendance and receive such recruits.

III. And be it further enacted, by the authority aforesaid, That the captain of each respective company, or any other person or persons by him or them authorized, shall have full power and authority, and are hereby expressly required and commanded, to apprehend and secure every person of the nine months regulars, as also of the three months militia, or any other deserter from the regular service, who have deserted or refused to march in either of the services aforesaid, which they shall know to be lurking within the limits of their command or elsewhere, and shall for that purpose take to his or their assistance so many of their company as he or they shall think

necessary; and every person who shall refuse or neglect, when called upon, to aid and assist in apprehending such deserter or delinquent, for every such offence shall forfeit the sum of fifty pounds, to be recovered by warrant under the hand of the commanding officer, and applied to the use of the county.

IV. And be it further enacted, by the authority aforesaid, That in case two thousand men should not be raised agreeable to this act before the first day of July next, that then, and in that case, the governor, with the advice of the council, shall be impowered to embody a number of militia equal to the deficiency; and such deficiency shall be made up from all the counties of the state, proportionately to the numbers which they shall have furnished by inlistment under this act, and with a respect to the number of which they may be delinquent of their respective portions of the whole two thousand.

V. And be it further enacted, by the authority aforesaid, That the militia so to be embodied shall be intitled to the same pay, bounty and rations, as the militia now in service in the Southern states, and shall be subject to perform the same duty, and serve the same space of time, and subject to the like rules and regulations; and all drafts which may be made shall be agreeable to the militia law, and the practice heretofore had under it.

VI. And be it further enacted, by the authority aforesaid, That all soldiers inlisted by virtue of this law shall be subject to the articles of war which are binding upon the continental army, and shall incur similar pains and penalties for similar offences; and every soldier inlisting shall sign articles of inlistment, agreeable to the continental regulation.

CHAPTER II.

An Act for emitting money for defraying the expences of the war, and for other purposes.

I. Whereas this state has incurred debts by raising men to reinforce the battalions thereunto belonging in the army of the United States, upon the particular requisition of Congress, for the payment of which debts the public faith stands pledged, and that a further sum should be emitted to carry on the operations of the war;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That one half of a million of pounds be emitted on the faith and credit of this state, in bills of the following denominations, that is to say, One thousand bills of two hundred and fifty dollars each, one thousand bills of one hundred dollars, two thousand bills of fifty dollars each, twelve thousand bills of twenty five dollars each, ten thousand bills of twenty dollars, twenty thousand bills of ten dollars each and twenty thousand bills of five dollars each; that the same be printed in a printing press, and that Henry Rhodes, Daniel Grant, and Memucan Hunt, be appointed commissioners to superintend the printing the same, and that Thomas Person and John Hunt be commissioners to receive the same when printed and numbered, to sign the same, and pay it into the hands of the public treasurers.

III. And be it further enacted, by the authority aforesaid, That the general form of the bills hereby emitted shall be as follows, to wit. State of North Carolina. This bill entitles the bearer to receive ———— Spanish milled dollars, or the value thereof in gold or silver, agreeable to an act of assembly passed at Smithfield the fifteenth day of May, one thousand seven

hundred and seventy nine. And such bills shall be impressed and printed both in the face and reverse thereof, on the edges as well as the body thereof, with divers letters, marks, devices, and words, which may be difficult of imitation, and which in the opinion of the said superintendents of the press may most effectually secure the same from attempts to counterfeit.

IV. And be it also enacted, by the authority aforesaid, That every dollar of the emission aforesaid shall be held and deemed equal to eight shillings proclamation money, and shall pass current at the same, and be a lawful tender in all payments and contracts within this state; any law, usage or custom, to the contrary, notwithstanding.

V. And be it further enacted, by the authority aforesaid, That the superintendents shall deliver to the signers a sum, not exceeding one hundred thousand pounds at one time, taking a receipt for the numbers, from the lowest to the highest inclusive, and shall deliver no more to the said signers until a receipt shall be produced from some one or more of the public treasurers for the same number duly signed.

VI. And be it also enacted, by the authority aforesaid, That every commissioner appointed by this act to superintend, number, and to sign and pay the said bills of credit to the public treasurers, shall take an oath well and truly to execute the duties and discharge the trust by this act required; and each and every commissioner shall enter into bond to the governor, with sufficient security, to be by him approved, in the sum of two hundred thousand pounds, for the due performance of the duties and trust by this act required.

VII. And be it further enacted, by the authority aforesaid, That each and every commissioner for superintending and numbering the said bills of credit shall have and receive five hundred pounds each, and the commissioners for signing and paying the same to the public treasurers shall have and receive ten dollars for every thousand bills which they shall respectively sign, over and above the expense of paper and printing.

VIII. And be it also enacted, by the authority aforesaid, That the commissioners for superintending the said bills of credit shall be impowered to purchase paper and materials, and to employ a printer to print the said bills, and may draw on the public treasurers, or either of them, for the monies necessary for the same, and their drafts shall be admitted as vouchers in the settlement of the said treasurers public accounts.

IX. And be it further enacted, by the authority aforesaid, That the commissioners herein before appointed for superintending the press, and signing the money, shall meet at Kingston on the tenth day of June next, to consult and agree upon measures for procuring paper, and carrying this act into execution; and that the said commissioners shall begin to print and sign the said bills of credit to be by this act emitted, on or before the tenth day of July next.

X. And be it also enacted, by the authority aforesaid, That whosoever shall by printing, writing, engraving, or by any other ways or means, counterfeit, or attempt to counterfeit, any of the said bills of credit by this act, or any former act, directed to be emitted, or any of the bills of credit of the United States, or any of them; or loan office certificates, or any part, word, letter, name, emblem, or device of the same; or shall make or construct any die, press, type, or other instrument, for imitating or counterfeiting any of the said bills, or any part, word, letter, name, emblem, or device thereof, except by authority of law, or in case where such may be seized in order to bring suspected persons to justice; or shall alter or deface any of the said bills, with intention to change the value or denomination thereof; or shall know-

ingly pass or utter any counterfeit likeness of any of the said bills, being thereof lawfully convicted, by confession or verdict, or on arraignment or trial shall stand mute, or challenge peremptorily more than thirty five jurymen, every such person shall receive judgment of death without benefit of clergy, and shall suffer as in cases of felony.

XI. And be it further enacted, by the authority aforesaid, That where it shall appear by due proof, to the satisfaction of a jury, that any person has printed, written, stamped, or by any ways or means made any bill or bills in the likeness of any of the bills of credit by this or any former act emitted, or any loan office certificates, or any of the bills of credit of the United States, or any of them, or any part of the same, although such bill, bills or certificates, cannot be produced in evidence, it shall be held and deemed sufficient testimony to convict such person of counterfeiting under this act; any law, usage or custom, to the contrary, notwithstanding.

XII. And be it also enacted, by the authority aforesaid, That if any commissioner appointed by this act to sign the said bills of credit, or to superintend and number the same, shall die, refuse to act, or resign, remove, or become disabled or disqualified, it shall and may be lawful for the governor to appoint one in his stead; and such commissioner shall give bond, and be subject to the same rules and regulations, as commissioners appointed by this act.

XIII. And be it further enacted, by the authority aforesaid, That previous to the superintendents entering upon the business of printing the said bills of credit by this act directed to be emitted, they shall take an oath to break and destroy the types, in such manner as to prevent any frauds or impositions.

XIV. And be it further enacted, by the authority aforesaid, That the public treasurers of this state, or some one of them, shall, and they are hereby directed, to attend at the place where the aforesaid money shall be struck, to receive the same from the signers.

XV. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the governor, with the advice of the council of state, to order any number of the militia, not exceeding two thousand men, to be embodied agreeable to the directions of the militia act, and marched to the assistance of the commonwealth of Virginia, if the same should be invaded by the British forces, or to the state of South Carolina, if from the operations of the British troops in that state it shall appear that this state is in apparent danger of becoming the seat of war.

XVI. Provided, That the militia so marched either to Virginia or South Carolina, shall not be compelled to continue in the service longer than three months from the time of passing the limits of this state, and shall be allowed the same pay and bounty as by law allowed to the militia of this state now in the service of South Carolina.

CHAPTER III.

An Act to amend an Act, intituled, An Act for levying a tax for defraying the contingencies of the several counties in this state, and other purposes.

I. Whereas it is found by experience that the tax of one shilling only on every hundred pounds value of taxable property in this state levied by the said act, is far inadequate to the purposes aforesaid;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the future an annual tax, not exceeding five shillings on every hundred pounds value of taxable property in this state, be levied for the purposes aforesaid, which value shall be assessed, and tax collected, in the same manner, and under the like rules, regulations, restrictions and allowances, as made and directed in levying and collecting public taxes; and the sheriffs for each respective county in this state are hereby ordered and required to collect the aforesaid tax, or so much thereof as the county court in each respective county shall order and direct, and pay the same into the hands of the trustee on or before the first day of April annually.

III. And be it further enacted, by the authority aforesaid, That every freeman in this state of the age of twenty one years and upwards (other than soldiers in the service of the continent, or of this state) who shall not possess the value of four hundred pounds in taxable property, shall pay annually, in lieu of assessment on property, a poll-tax equal to the tax that year on four hundred pounds, which shall be collected and accounted for as other taxes mentioned in this act. Provided nevertheless, That married men who are not possessed of one hundred pounds taxable property, shall pay annually, in lieu of assessment, a poll-tax equal to the tax for that year of one hundred pounds only.

IV. And be it further enacted, That so much of the before recited act, as comes within the purview and meaning of this act, is hereby repealed and made void.

V. And be it enacted by the authority aforesaid, That it shall and may be lawful for the entry taker of Bute county, when the same stood undivided, to issue warrants for all lands in Warren county, which have been entered with the said entry taker before the division of Bute county.

VI. And be it further enacted, by the authority aforesaid, That it shall and may be lawful for the late surveyor of Bute or Warren county, as it stood undivided, to survey all lands which were entered with the entry taker of said county before the division thereof, in that part which is now called Warren, and shall be intitled to the same fees as other surveyors in this state.

VII. And be it enacted, by the authority aforesaid, That from and after the passing of this act the several county surveyors in this state shall have and receive for every survey of three hundred acres of land or upwards by them hereafter made, the sum of twelve dollars and a half, and for every survey made under three hundred acres, seven dollars and a half, current money, and no more; any law to the contrary, notwithstanding.

VIII. And whereas the fines on persons for neglect or refusal to work on public roads are found too small by far: For remedy whereof, Be it further enacted, by the authority aforesaid, That if any person or persons, who are not exempted from working on public roads, shall after the passing of this act neglect or refuse to work on any road which he is bound by the court to do, after having legal notice thereof, he shall forfeit and pay for every hand he or she shall neglect to send (inability or unavoidable accident excepted) the sum of forty shillings, to be recovered as fines of the like nature heretofore were recovered; any law, usage, or custom, to the contrary, notwithstanding.

CHAPTER IV.

An Act for allowing salaries to the Governor, members of the Council of State, and for other purposes.

I. Be it Enacted by the General Assembly of the State of North Caroilna, and it is hereby enacted by the authority of the same, That there shall be paid to his excellency the governor the annual sum of six thousand pounds in full for his services as governor of this state. That each of the members of the council of state shall be allowed for each day they shall be on duty as councillors of this state eight pounds. That each of the public treasurers be allowed the annual sum of one thousand pounds for their services as treasurers. That the secretary be allowed the annual sum of two thousand five hundred pounds for his public services as secretary of this state, exclusive of the fees granted him by an act of assembly, entituled, 'An Act for establishing offices for receiving entries of claims for lands in the several counties of this state, for ascertaining the method of obtaining titles to the same, and for other purposes therein mentioned.' That each of the delegates from this state in the continental congress be allowed at the rate of five thousand pounds per year for the time they shall be on duty. That each of the judges of the superior courts of law be allowed three hundred and fifty pounds for each court they shall attend. That the attorney general be allowed at the rate of two hundred and fifty pounds for each court at which he shall attend. That the public printer be allowed the annual sum of two thousand five hundred pounds, provided that he does within four months from the time next after which he may be furnished with a fair copy of the journals of each respective session of assembly, print and deliver to the clerk of the different counties one copy of the acts for each justice of the peace in each respective county, one for the sheriff, one for the clerk of the county, and one, together with a copy of the journals, for each member of the assembly in each respective county. Which allowances shall commence from the time of their appointments this session of general assembly respectively.

II. And be it further enacted by the authority aforesaid, That from and after the passing this act there shall be six treasurers in this state; one in each of the districts of Wilmington, New Bern, Edenton, Halifax, Hillsborough and Salisbury; and that each of the said treasurers shall enter into bond with sufficient security to the governor or commander in chief for the time being in the sum of five hundred thousand pounds each for their faithful discharge of the said offices previous to their entering upon the execution thereof.

III. And be it enacted by the authority aforesaid, That the respective county courts in this state shall appoint persons of probity and skill in the law to execute the office of attorney for the state therein, and allow for each court he may attend (exclusive of the fees allowed by law) the sum of twenty five pounds, to be paid out of the county tax.

IV. And be it further enacted by the authority aforesaid, That this act shall continue and be in force until the first day of April next, and from thence to the end of the next session of the assembly.

CHAPTER V.

An Act for amending an Act for making provision for the poor, and for other purposes.

I. Whereas by an act, intituled, an act for making provision for the poor, and for other purposes; the overseers of the poor are restricted from laying a greater tax than six pence in the hundred pounds, which sum is found to be much too small to answer the purposes intended by the said act.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the overseers of the poor to lay a tax not exceeding the sum of one shilling and six pence on each and every hundred pounds value of all the taxable property in their respective counties. And that every freeman of the age of twenty one years and upwards, other than soldiers in the service of the continent or of this state, who shall not possess the value of four hundred pounds in taxable property, shall pay annually in lieu of assessment on property, a poll-tax equal to the tax for that year on four hundred pounds taxable property: Provided nevertheless, That married men who are not possessed of one hundred pounds taxable property, shall pay annually in lieu of assessment a poll tax equal to the tax for that year on one hundred pounds, which shall be collected and accounted for in manner as directed by the before recited act.

III. And whereas several counties in this state have hitherto failed, and new counties have not been authorized, to elect overseers of the poor, Be it enacted by the authority aforesaid, That the sheriffs in such counties respectively shall, as soon as may be after the passing of this act, appoint a time for holding elections of the overseers of the poor, giving due notice agreeable to the act above mentioned; and such elections shall be good and valid. And the overseers, when elected, shall have the same powers and authorities and be subject to the same pains and penalties as other overseers of the poor in this state.

IV. And whereas the courts in Montgomery county are held on the same days as the courts of Anson county, which is attended with many inconveniences; to prevent which, Be it further enacted, That in future the courts for the county of Montgomery shall be held on the last Monday of June, September, December and March, any law, usage or custom, to the contrary, notwithstanding.

V. And be it further enacted, That the following persons, to wit, James Martin, John Pesleys and William Dent, be added to the commissioners appointed to run the dividing line between the counties of Guilford and Randolph.

VI. And whereas, by an Act, intituled, an act concerning servants and slaves, it is enacted, That no slave shall be permitted, on any pretence whatsoever, to raise any horses, cattle, hogs or sheep; Be it therefore enacted by the authority aforesaid, That all horses, cattle, hogs or sheep, that, one month after the passing this act, shall belong to any slave, or be of any slave's mark, in this state, shall be seized and sold by the county wardens, and by them applied, the one half to the support of the poor of the county, and the other half to the informer.

VII. And be it further enacted by the authority aforesaid, That when any citizen of this state is absent on service as a militia man, and is thereby rendered incapable of labour, or whose family is unable to support themselves during his absence or inability, the court of overseers to which he

belongs, on application, shall make him or them such allowance as they think reasonable out of their tax towards the maintenance and support of such man or family, and an account of such expenditures shall be allowed in their settlement with the county.

VIII. And be it further enacted by the authority aforesaid, That so much of the above recited act as comes within the perview of this is hereby repealed and made void.

Read three times, and ratified in general assembly, the 10th of May, 1779.

Signed by

ALLEN JONES, S. S.
THOMAS BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1779.

At a General Assembly, begun and held at Halifax on the eighteenth day of October, in the year of our Lord one thousand seven hundred and seventy-nine, and in the fourth year of the independence of the said state: Being the second session of this Assembly. *Richard Caswell, Esq.*, Governor.

CHAPTER I.

An act for sending an aid to the states of South Carolina and Georgia, and for other purposes.

I. Whereas, on the representation of the State of South Carolina, it appears absolutely necessary that an aid should be sent from this state to the aid of that and the state of Georgia;

II. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the Governor, with the advice of the Council of State, to order any number of the militia, not exceeding three thousand men, including such drafts as have been made, and are yet to be made, from the respective counties of this state, pursuant to an act passed at Smithfield, intituled, "An act for raising regular forces for the defense of this and the neighbouring states, and for other purposes," to march on with all possible expedition to the defence of the said states of South Carolina and Georgia, to be intitled to the same pay, bounty, and rations, and perform the same duty, and be subject to the same rules and regulations, as the militia late in the service of the southern states, and shall serve three months after passing the limits of this state, agreeable to the militia law; and that the drafts for making up the additional number of militia for this aid, be under the rules and regulations of the militia law now in force.

III. And whereas, many militia officers have, in consequence of the late Act of Assembly passed at Smithfield, or any former Act or resolution of Congress in this State hired substitutes in the continental service, whereby the said officers are discharged from all military duty, except in particular cases, although it was never their intention to withdraw themselves from the service of their country in their respective ranks; Be it therefore enacted, that whoever shall accept hereafter of a commission, or continue to act under any former commission in the militia, such person or persons shall be, and they are hereby declared to be liable to the same rules, regulations and penalties, as any other militia officer, and to have no exemption on account of any substitute; any law to the contrary notwithstanding.

CHAPTER II.

An Act to carry into effect an Act passed at New Bern in November, in the year one thousand seven hundred and seventy-seven, intituled, An Act for confiscating the property of all such persons as are inimical to this or the United States, and of such persons as shall not within a certain time therein mentioned appear and submit to the State whether they shall be received as citizens thereof, and of such persons who shall so appear and shall not be admitted as citizens, and for other purposes therein mentioned, and for other purposes.

I. Whereas, it is enacted by the Act aforesaid, passed at New Bern in November, one thousand seven hundred and seventy-seven, that all the lands, tenements, hereditaments, and movable property, within this State, and all and every right, title, and interest therein, of which any person was seized or possessed, or to which any person had title, on the fourth day of July, in the year one thousand seven hundred and seventy-six, who on the said day was absent from this State, and every part of the United States, or who has withdrawn himself from this or any of the United States, after the day aforesaid, and still resides beyond the limits of the United States, shall and are hereby declared to be confiscated to the use of this State, unless such person shall at the then next General Assembly which shall be held after the first day of October, in the year one thousand seven hundred and seventy-eight, appear, and be admitted to the privilege of a citizen of this State, and restored to the possessions and property which to him once belonged within the same: And whereas, divers persons, who come within the descriptions of the aforesaid Act recited, have failed or neglected to appear before the said General Assembly as last mentioned, or at any General Assembly since, and submit to the State whether they shall be admtited as citizens thereof, and restored to the possessions which to them once belonged, whereby such certain persons herein after mentioned have clearly incurred and become liable to the penalties of the aforesaid first recited Act:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that all the lands, tenements, hereditaments, and personal property within this State of William Tryon and Josiah Martin, Esquires, Sir Nathaniel Duckinfield, Henry Eustace McCulloch, Henry McCulloch, Samuel Cornell, and Edmund Fanning, Thomas Macknight, late of Currituck county, James Parker, William McCormack, John Dunlap, Neal Snodgrass, and John Lancaster, late of Pasquotank county, James Green, mariner, and John Alexander, late of Craven, Thomas Oldham, late of Chowan, Thomas Christie, of the kingdom of Ireland, Frederick Gregg, late of New Hanover, Andrew Miller, Alexander Telfair, Hugh Telfair, John Thompson, John Hamilton, Archibald Hamilton, late of Halifax, George Alston, late of Granville, Michael Wallace, John Wallace, late merchants of Virginia, William Field, John Field, Junior, and Robert Turner, late of Guilford, John Moore, late of Tryon, James Roberts, late of Surry, George Miller, late of Dobbs county, James Cotten, Walter Cunningham, Samuel Williams, late of Anson, Samuel Bryan, William Spergen, Matthias Sappinfield, late of Rowan, William McClellan, late of Edgecomb, Messieurs. Dinwiddie, Crawford and Company, late of Bute County, Robert Palmer, late of Beaufort, Edward Brice Dobbs, Ralph McNair, John McNair, Joseph Field, James McMeil, Archibald McCoy, Alexander McCay, Neil McArthur, John Leggett, John McCloud, Colin Shaw, William Campbell, James Gamble and Company, Thomas Rutherford, William Rose,

Alexander McCoy, Messieurs Waller and Bridgen, merchants in London, Alexander McAuflen, late of New Bern, Alexander Campbell, Robert Bell, and Duncan Campbell, late of Granville county, Francis Williamson, late of Currituck county, Chancey Townsend, Doctor Tucker, late of Wilmington, and Buchanan, Hastie and Company, and all others who come within the meaning of the confiscation and this Act, and all and every, the right title and interest, which all, or each of the persons aforesaid, may have had therein on the said fourth day of July, one thousand seven hundred and seventy-six or at any time since, shall be and are, hereby declared to be confiscated, fully and absolutely forfeited to this State, and shall be vested in the hands of commissioners as in this Act directed to be appointed, for the purposes herein after mentioned.

III. And be it further Enacted by the authority aforesaid, that commissioners shall be appointed by the county court in each county, who shall severally give bond, with three or more sureties, in the sum of one hundred thousand pounds at least, and not exceeding five hundred thousand pounds, at the discretion of the county court, to the Governor for the time being, for the use of the State, for the faithful discharge of their duty according to law; and shall also take the following oath, previous to entering on their office:

I, A. B. do swear, that I will faithfully discharge the trust reposed in me as a commissioner, to the best of my knowledge, according to law; and that I will fully account for all money or effects that shall come to my hands, in consequence of my appointment, as the law directs. So help me God.

And the said commissioners in their respective counties shall have full power and authority to take possession of all lands, tenements, hereditaments, monies, debts, whether due by judgment, bond, bill, note, account, or otherwise, and all other personal property of the persons aforesaid, in the name, and for the use of the State, which by this Act are declared to be forfeited to the State, and shall give receipts or discharges, which shall for ever indemnify and acquit the persons delivering or paying the same, their heirs, executors, and administrators, against any future claim for the articles or money mentioned in such receipt or discharges.

IV. And be it further enacted by the authority aforesaid, that all persons who owe any sterling debt to any person or persons described in the confiscation Act or in this Act, whose property is thereby confiscated, shall pay in lieu of every hundred pounds sterling, the sum of one hundred and seventy-five pounds current money of North Carolina.

V. And in order to discover all the property, real and personal, of the persons aforesaid, by this Act declared to be forfeited, Be it enacted by the authority aforesaid, that the said commissioners shall and may order the several constables to summon any of the inhabitants in their respective counties to appear before them at convenient times and places, to give in on oath an account of such forfeited property, when they, or a majority of them being present, shall administer the following oath or affirmation to the inhabitants so appearing:

I, A. B. do swear or affirm, that the account by me rendered contains a full and true account, to the best of my knowledge, of all the lands, tenements, hereditaments, debts, monies, and all personal property in the county of ———— or elsewhere, which belonged on the fourth day of July, one thousand seven hundred and seventy-six, to any of the before mentioned person or persons, or at any time since, who come within, or are included by the description, or either of them, recited in this Act, or the confiscation

Act, passed at New Bern in the year one thousand seven hundred and seventy-seven, and have not disposed of or parted with the same, or any part thereof, to elude or evade the intent and meaning of the confiscation or this Act; and further, that the said account contains to the best of my recollection, the full amount of all and every sum or sums of money which now are by me due and owing to any such person or persons, including interest (if any) by bond, note, or account, or by virtue of any trust whatever. So help me God.

And if any person summoned as aforesaid shall fail to appear, or appearing, shall fail to render an account as above mentioned, on oath or affirmation, as the case may be, in such case the said commissioners, or any two of them, shall have power to commit such person, if present, to close gaol, until he or she shall comply with the law, and if absent, shall issue a warrant directed to any sheriff or constable, to apprehend and bring such absent person before them at any place on a future day, when if he or she shall refuse to render an account on oath as aforesaid, he or she shall also be committed to close gaol, until he or she shall render an account on oath or affirmation as aforesaid; and the said commissioners are hereby invested with power to administer the oath, issue warrants, and make commitments, in manner aforesaid.

VI. And be it further enacted by the authority aforesaid, that the county court shall have the same power to require and compel the oath aforementioned from the commissioners themselves, which the commissioners have respecting others; and the commissioners shall account for any money, or other effects, declared forfeited by this Act, due by them, or in their possession, in the same manner as in other cases.

VII. And be it further enacted by the authority aforesaid, that the said commissioners shall enter in a book to be kept for that purpose all such lands, tenements, hereditaments, and personal property, of the persons aforesaid, forfeited by this or any other act, which shall come to their knowledge or possession in their respective counties, together with the names of said former owners, and also whether the same, or any part thereof, be claimed by any subject of this State, or any of the United States, and shall specify all sums of money which are or shall be due or owing by any inhabitant or inhabitants within said county to any of the before mentioned persons, or his or their former creditors, together with the names of such debtor and former creditor as aforesaid, and shall make report of their proceedings to every county court which shall be held in their counties respectively; and the several county courts shall and may have power to fill vacancies occasioned by death, refusal, or removal out of the county; provided that there shall not be less than seven justices present at the appointment of any commissioner: And the said commissioners shall, and are hereby authorized and required, to sell all and every the lands, tenements, hereditaments, and personal property, of the persons aforesaid by way of public auction, at the court-house of the county wherein the said estate shall be, in the time of sessions, advertising the same in the Virginia and South Carolina Gazettes one month at least previous thereto, and in the most public places of the county, in such quantities as the said commissioners shall think best, so that no tract exceed more than six hundred and forty acres, to be laid out by a surveyor for that purpose appointed by the commissioners, one half the purchase money to be paid down to the said commissioners, and for the other half they shall take bond, with sufficient security, payable in six months, to the Governor or commander in chief

for the time being for the use and benefit of the same; and any two of the said commissioners are hereby vested with full power and authority to execute to the purchaser or purchasers as aforesaid a deed of bargain and sale, or other conveyance in law, for such tract or tracts of land, purchased as aforesaid, which shall be good and valid in law to convey the fee of the same to the purchaser or purchasers, his heirs and assigns, for ever; any law to the contrary notwithstanding.

VIII. Provided, that if it shall appear to the county court that any person, being a subject of this or any of the United States, hath, or pretends to have, any right or title in law to any lands, tenements, hereditaments, monies, debts, or personal property, of any of the said persons declared forfeited by this Act, such court shall pay all further proceedings of the commissioners thereupon, and shall send up a true and exact state of such claim to the superior court of the district, which superior court shall proceed to inquire into and determine the legal right and title of the person so claiming, by jury, in the same manner as in suits of common law, and such determination when had shall be final; and the clerk of the superior court shall transmit a copy thereof to the county court wherein the dispute originated, which shall proceed according to such determination.

IX. Provided also, that if any real or personal estate belonging to any orphan, or other person, not comprehended or included by the descriptions in the act afore mentioned, or either of them, shall be sold by virtue of this act, such orphan or other person, notwithstanding, he, she or they, shall have failed or neglected to exhibit such claim to the county court previous to the sale, shall on due and sufficient proof made before the General Assembly, be intitled to receive the whole amount of the sale, with six per centum interest thereon.

X. And provided likewise, that all persons being subjects of this State, or of any of the United States, and having just claims or demands against any estate or estates declared forfeited by this Act, and actually sold or converted to the use of the State in consequence thereof, shall upon due proof made before the General Assembly be entitled to receive their several demands, if the sales of such estate be sufficient, but if not, shall receive in proportion to their several demands.

XI. And be it further enacted by the authority aforesaid, that the commissioners in their respective counties shall have the same powers and authorities to demand, make distress for, and receive, all sums of money due and owing by the inhabitants thereof, and declared forfeited to the State by this Act; and shall be subject to the same pains, penalties and restrictions, and shall account with the public treasurers for the same, and also for all money arising from the sales of lands, or sales of personal property, as in this Act directed, at the same times, and in the same manner, as sheriffs or county treasurers have or are liable to by law for the collecting and accounting for public taxes, and shall have and receive for their services at the rate of two per cent. each.

XII. And be it further enacted by the authority aforesaid, that all entries already made, or which shall hereafter be made, of any lands, tenements, or hereditaments, of the persons aforesaid, which come within the meaning of the confiscation act, passed at New Bern in November, one thousand seven hundred and seventy-seven, or of this act, shall be utterly void and of none effect. Provided, that nothing contained in this act shall be construed to invalidate or repeal any part of an act passed during the session of General Assembly at Halifax in January and February, one thousand seven

hundred and seventy-nine, entituled, An act to enable the inhabitants of a tract of land lying in Mecklenburg county, known by the name of Governor Dobbs's tract, number five, to make entries thereof, and obtain titles for the same. Provided, that nothing contained herein, or in the said confiscation Act, shall be construed to repeal an act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes, or any part thereof, but that the same is and shall be in full force; and that all the proceedings that have been, or shall hereafter be conducted according to the directions of the said act, as to the lands therein mentioned are hereby declared good and valid; any law, custom, or usage, to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, that the clerk of each and every county court shall transmit to the General Assembly a complete transcript of the report or reports of the commissioners in their respective counties, and of the proceedings of such court thereupon, under the penalty of five hundred pounds; to be recovered by action of debt, in the name of the Governor for the time being, to be applied to the use of the State.

XIV. And whereas many persons who heretofore refused to take the oath of allegiance to this State, and were compelled to leave the same in consequence thereof, by virtue of an act of Assembly, passed at New Bern in April, in the year one thousand seven hundred and seventy-seven, entituled, An Act for declaring what crimes and practices against the State shall be treason, and what shall be misprison of treason, and providing punishments adequate to crimes of both classes, and for preventing the dangers which may arise from persons disaffected to the State, and of another act passed at New Bern in November, in the year one thousand seven hundred and seventy-seven, to amend the aforesaid act, have failed or neglected to sell and convey their real estates agreeable to the said Act, and to appoint lawful agents or attornies to receive and give discharges for debts due and owing by the inhabitants of this State to persons who so departed therefrom, whereby many lands of the persons last described are yet undisposed of, and still continue to be and remain to the use of the same, and many well meaning people are defeated of an opportunity to discharge such debts due as aforesaid; Be it therefore enacted, by the authority aforesaid, that all such lands of the persons described in the said last recited Acts, which have not been sold and disposed of bona fide for a valuable consideration actually paid, and all debts, money, and personal property, belonging to the same, not yet collected and appropriated according to the directions of said acts, shall be, and hereby declared to be confiscated to this State, and the commissioners aforesaid are hereby directed to proceed on such real and personal estates in like manner as on the estates of the persons first mentioned in this Act; any thing contained in the said last recited Act to the contrary, notwithstanding.

XV. And be it further enacted by the authority aforesaid, That the surveyor appointed by the commissioners to run out any of said lands shall be entitled to receive eight pounds for each tract of six hundred and forty acres, and so in proportion for a less quantity of land they shall be ordered to run out.

XVI. And be it further enacted by the authority aforesaid, that an Act passed at Halifax in January, one thousand seven hundred and seventy-nine intituled, An Act to carry into effect an act passed at New Bern, in the year

one thousand seven hundred and seventy-seven, For confiscating the property of such persons as are inimical to this State or the United States, and of such persons as shall not within a certain time therein mentioned appear and submit to the State whether they shall be received as citizens thereof, and of such persons who shall so appear and shall not be admitted as citizens, and for other purposes therein mentioned, and for other purposes, and every clause of the said first recited act, shall be, and is hereby repealed and made void; any law to the contrary notwithstanding.

XVII. Provided nevertheless, that the wife or widow of any of the persons aforesaid, who hath been, and now is residing within this State, shall not be debarred from her right of dower in and to her husband's lands, but shall be intituled to one third thereof for and during her natural life, to be laid off by the commissioners in the same manner as lands in dower are by the common law; and that a proper subsistence out of the sales of said husband's estate shall be allowed to the wife or widow aforesaid, for the maintenance of herself, and such children, being minors, who are now residents of this State, as the General Assembly shall direct.

XVIII. Provided neverthless, that nothing herein contained shall be construed to impower the commissioners appointed by virtue of this act to take into their possession any household furniture or provisions belonging to the aged parents, wives, children, or widows, of any person whose estate is confiscated by virtue of this or any other act passed in this State.

XIX. Provided nevertheless, that the commissioners appointed according to the directions of the aforesaid Act passed in January, one thousand seven hundred and seventy-nine, who have done, performed and executed, any of the trusts reposed in them by the said Act, shall be accountable to the treasurer of the district for all such sum or sums of money by them so received, as the commissioners by this Act are liable to, and required to be.

XX. And be it further enacted by the authority aforesaid, That if any recovery shall be had hereafter against any person for any sum or sums of money by him or her paid in consequence of this Act, the State shall fully and amply, on sufficient proof made to the General Assembly, pay and satisfy to such person all monies so recovered, together with all damages which may thence accrue, whether arising from delay, imprisonment, or otherwise.

CHAPTER III.

An Act to prevent hunting in the night time with gun and fire light, and other purposes therein mentioned.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, if any free person or persons shall be found hunting in the night, except on his own plantations, with gun and firelight, upon conviction of such offence on sufficient testimony, shall be turned over into the Continental service for the term of eighteen months, or during the war; and the person so informing shall be exempt from any kind of military duty or draft for the space of twelve months, provided the offender be found guilty agreeable to this law.

II. And be it further enacted by the authority aforesaid, that if any soldier belonging to the Continental army, or servant (otherwise than slaves) should be found hunting as aforesaid, such soldier or servant, on due con-

viction as by this Act directed, shall receive twenty-nine lashes on his or their bare back.

III. And be it further enacted by the authority aforesaid, That if any slave be found transgressing this law, on conviction before any one justice of the peace, shall receive thirty nine lashes on his or their bare back, and the owner or master of such slave or slaves, shall forfeit and pay the sum of one hundred pounds, to be applied one half to the use of the informer, and the other to the use of the poor of the county; and the wardens of said county are hereby directed to sue for the same, to be recovered in any court of record having cognizance thereof. Provided nevertheless, that the master or owner of such slave or slaves shall not be liable to any fine by this law directed, if it shall appear by his own oath, or other sufficient testimony, that the offence was committed without his or her approbation or knowledge.

IV. And be it further Enacted that any one justice of the peace, on complaint as by this Act directed, is required to issue his warrant, directed to the sheriff or constable, to apprehend such person or persons, and shall cause a jury of twelve freeholders to be summoned as soon as possible, to try such offender or offenders; which jury is hereby directed to attend at such time and place as the justice shall appoint, and in case of default, the justice is hereby authorized to issue his summons for other freeholders to make up such deficiency.

V. And be it further enacted by the authority aforesaid, that each and every person so neglecting or refusing to attend, after being lawfully summoned, shall forfeit and pay the sum of twenty pounds for each and every offence, to be applied to the use of the poor of the county; and the justice is hereby directed, in case of default, to issue his warrant for levying the same, if he shall not think his excuse lawful, in which case, if the party so summoned should think himself aggrieved by the determination of such justice, he may appeal to the next succeeding county court, first giving security to the justice for his appearing and abiding by the determination of said court; and if the said court shall judge his excuse lawful, shall order him to be discharged from the said fine.

VI. And be it further enacted by the authority aforesaid, That the following oath shall be prescribed to the jury, viz: "You shall try, and a true verdict give, according to law and evidence, in the matter now before you. So help you God." And the determination of such jury, when obtained, shall be decisive.

VII. And be it further enacted by the authority aforesaid, that if any person or persons shall threaten any informer against fire hunting, such person so threatening, upon due conviction thereof as by this act directed, shall suffer as in cases of fire hunting.

VIII. And be it further enacted, that if any person or persons shall harbour or conceal any fire hunter, knowing him to be such, on due proof thereof, shall be subject to the same pains and penalties as is herein inflicted on fire hunters; any law, usage or custom, to the contrary notwithstanding.

IX. And be it further enacted by the authority aforesaid, that if any person summoned as an evidence against any fire hunter, and shall refuse or neglect to give evidence against such fire hunter, such person so refusing or neglecting shall be committed to the gaol of the county where the offence shall be committed, until he or she shall give evidence against the offender.

X. And be it further enacted, that so much of an act passed at New Bern,

in the year one thousand seven hundred and seventy-eight, for to prevent hunting in the night by fire light, as shall come within the purview of this act, shall be repealed and made void, to all intents and purposes.

XI. And whereas driving with gun and dogs is found by experience to be pernicious and hurtful to stock: For remedy whereof, Be it further enacted, by the authority aforesaid, that if any person or persons shall after the first day of January next be found driving with dogs on lands that is not his or their own property, unless permission first had and obtained from the owner or owners of such lands, shall forfeit and pay the sum of twenty-five pounds for every offence; to be recovered by the party grieved, to his or their own use, before any justice having cognizance thereof. Provided, that the party injured shall not be intitled to such recovery except he previously posts out his land, and gives public notice in his neighbourhood, forbidding all persons hunting thereon contrary to the meaning of this act.

CHAPTER IV.

An Act to amend an act, intituled, An act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes therein mentioned; and also to amend one other Act, intituled, An act to amend an act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes therein mentioned.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the several county courts within this State shall have full power and authority, and they are hereby declared to have full power and authority, in all cases now undetermined, where they shall judge a new trial necessary, to order the same either on the premises where the bounds of the land come in question, or before them, in which last case they shall direct a jury to be impanneled and sworn as in the trial of other causes, to try the disputed claim; and where the said jury shall find generally or specially, the same proceedings shall be had on their verdict as in cases of verdicts returned by the sheriff respecting vacant or unappropriated lands, and the judgment of the court in all cases of vacant or unappropriated land shall be final and conclusive, without any appeal to the Superior Court.

II. And be it enacted by the authority aforesaid, that all appeals undetermined, and now depending in the said Superior Courts, shall be proceeded on and determined in the same manner as before the passing of this act; anything to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, that the sheriff, or his deputy, shall have full power and authority, and they are hereby declared to have full power and authority, to administer an oath to the jury and witnesses, and to qualify them in the same manner as a justice of the peace, pursuant to the before recited act passed at New Bern.

IV. And be it further enacted by the authority aforesaid, that in case of the death of any person who heretofore has made an entry of land, or who hereafter shall make an entry pending the same, or before the making out

the grant, his or their heirs or assigns, shall have a fee simple estate in the premises, although the grant shall be made in the name of the decedent.

V. And whereas in many cases after entering a caveat the contending parties meet and agree, which agreement often cannot be ascertained, and thereby justice is delayed, and the intention of the legislature in granting land defeated; Be it therefore enacted by the authority aforesaid, that on application to the county court where the land lies, both parties having such previous notice as the court shall judge sufficient, they shall ascertain the agreement, and give judgment in the same manner as on a verdict of a jury, and the like proceedings shall be had thereon. Provided nevertheless, that in case the agreement cannot be ascertained to the satisfaction of the court, they shall order a trial as in other cases of caveats.

VI. And whereas there is no law to inforce the attendance of jurors on trials on the premises, and delays frequently happen in consequence of their failure; Be it therefore enacted by the authority aforesaid, that in case any person summoned as a juror to attend on the premises, who shall fail to appear and proceed on the trial, the sheriff shall return a list of his or their names so failing to the county court next succeeding, who shall order a notice to issue for him or them, to shew cause at the next succeeding session in justification of such failure; which if the court should think not sufficient, they shall fix a fine on the said delinquent, not exceeding fifty pounds, and be further liable to an action of the party grieved.

VII. And be it further enacted by the authority aforesaid, that when it shall so happen that any person or persons shall have made, or hereafter may make any entry of land on any navigable water, and are prevented from running out the sme, agreeable to the directions of the before recited act, by the boundary of any land heretofore run out, that then, and in that case, the surveyor may and shall run out and survey the same in the same manner that other lands are directed to be laid out; any thing in the before recited act to the contrary, notwithstanding.

VIII. And be it further enacted by the authority aforesaid, that from and after the passing of this act, the registers of the different counties of this State shall and may take for every deed registered in their respective offices the sum of four dollars, and for a copy of any such deed the sum of four dollars, and for every search the sum of one dollar; and that a constable shall and may take for serving a warrant the sum of three dollars, for every execution the sum of three dollars, and for every summons the sum of one dollar, and for each day's attendance on the court the sum of ten dollars; any law, usage or custom, to the contrary notwithstanding.

IX. And whereas grants may be secretly obtained by artful and designing men for land to which they have no just title, to the great injury of many of the inhabitants of this State; For prevention whereof, Be it further enacted, that upon complaint being made on oath, and sufficient reason shewn to the Governor or commander in chief, he may suspend the execution of such grants, and direct the secretary to certify the same to the court of the county wherein the land may lie; and the court shall upon receiving such certificate from the secretary order a trial by jury, in the same manner as they might do if a caveat had been made in the office of the entry taker, and the proceedings to be conducted in the same manner as is directed in the before recited act.

X. And whereas the fees allowed by law to the entry takers in the respective counties in this State is found to be insufficient; Be it enacted, that from and after the passing this act, they shall be entitled to receive for each entry the sum of four dollars and no more.

CHAPTER V.

An act to amend an act for appointing sheriffs, and directing their duty in office, and for obliging the late Sheriffs and collectors of public monies who are in arrear to account for and pay the same, and for other purposes.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same that every county court shall annually elect and nominate a freeholder of sufficient circumstance to execute the office of sheriff, who shall thereupon be commissioned by the Governor or commander in chief to execute that office for one year; and if any sheriff so nominated shall remove out of his bailiwick, or fail to give security, or refuse to qualify, or shall happen to die in the time of his sheriffalty, the court shall at the next sessions elect and nominate another as aforesaid.

II. And be it further enacted by the authority aforesaid, that in case at any time there shall be no person properly qualified to act as sheriff in any county of this State, that then it shall and may be lawful for the coroner of such county, and he is hereby required to execute all process, civil or criminal, lawfully issuing, or judgments, orders or sentences, of any courts within the same, until some person shall be appointed properly qualified as aforesaid to act as sheriff in said county; and such coroner shall be under the same rules and regulations, and subject to the same fines and forfeitures, as sheriffs are by law for neglect or disobedience of the duties aforesaid.

III. And be it further enacted by the authority aforesaid, that when it shall so happen that there is not a sheriff or coroner in any of the counties of this State wherein the superior courts of law are held, that then in such case all orders or sentences of said courts shall be performed and executed by the sheriff of any county of the district to whom the judges or clerks of the said courts after term time may think proper to direct the same, with the same powers and authorities as if he had been the sheriff of the county wherein said superior court is held, under the penalty and fine of five thousand pounds, to be inflicted upon him by the superior court of the district, on indictment, for such contempt and disobedience, and to be further liable to imprisonment, at the discretion of said court; any law, usage or custom, to the contrary notwithstanding.

IV. And whereas many persons in this State still remain in arrear for taxes due and payable previous to the independency of the same; Be it enacted, by the authority aforesaid, that the sheriffs or collectors who are bound by law to collect and account for such arrears, shall have full power and authority to warrant all persons so indebted for taxes, and recover the same; any law to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, that so much of the before recited act as comes within the purview or meaning of this Act, be repealed, and made null and void; any law to the contrary notwithstanding.

CHAPTER VI.

An Act for directing the method of appointing Jurors in all Causes Civil and Criminal.

I. Whereas a trial by jury is one of the best securities of the rights of the people, and a just decision of suits and controversies in the several courts of law within this State depend on the integrity and capacity of jurors;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that the justices of the county courts within the district of each superior court of law within this State shall, and they are hereby directed, before the sitting of any Superior Court, to nominate forty-eight freeholders to serve as jurors at such Superior courts. Provided always, that no county court shall knowingly nominate any person to serve as a juror at two courts successively, or any person who shall have an action or suit at issue in the Superior Court at the term to which he shall be so nominated.

III. And be it further enacted by the authority aforesaid, that the number of freeholders to be nominated for each county to serve as jurors shall be proportioned as follows, to wit, Craven seven, Carteret five, Beaufort six, Hyde six, Dobbs four, Wayne four, Pitt six, Johnston four, Jones six, for the district of New Bern; New Hanover twelve, Bladen eight, Onslow six, Duplin eight, Cumberland eight, Brunswick six, for the district of Wilmington; Wilkes two, Washington three, Sullivan two, Montgomery three, Rutherford three, Surry four, Guilford four, Anson three, Richmond three, Mecklenburg six, Burke four, Rowan ten, Lincoln three, for the district of Salisbury; Orange fourteen, Granville ten, Wake six, Chatham seven, Caswell seven, Randolph four, for the district of Hillsborough; Warren five, Franklin five, Edgecomb six, Northampton ten, Nash five, Martin four, Halifax twelve, for the district of Halifax; Chowan seven, Perquimons five. Pasquotank six, Currituck five, Tyrrell four, Bertie eight, Hertford five, Cambden four, Gates four, for the district of Edenton. A list of which jurors so nominated shall be delivered by the clerk of each county court to the sheriff, who shall, and is hereby required to summon the persons so nominated to serve as jurors at the Superior Court; and if any juror so summoned shall fail to appear, he shall be fined the sum of two hundred pounds, unless he can shew sufficient cause to the next court to excuse his non-appearance; which fine shall be applied to the payment of such jurors as shall attend from the said county, and thereby lessen the county tax.

IV. Provided always, that if any of the said county courts shall fail or neglect to nominate freeholders to serve as jurors as aforesaid, or the persons so nominated shall fail to attend, it shall and may be lawful for such superior court to order and direct the sheriff to summon other freeholders of the bystanders to serve as jurors, and the persons so summoned shall be held and deemed lawful jurors. Provided, that such bystanders who shall be so summoned shall and may be every day discharged, and the succeeding day, and so from day to day, during the continuance of the court, the sheriff shall summon of the bystanders so many as shall be necessary; and every person so summoned of the bystanders who shall not appear and serve as jurors, shall be fined in the sum of fifty pounds, unless he can shew sufficient cause, to be approved by the court; to be applied as before directed.

V. And that the fines may be applied according to the directions of this Act, Be it further enacted, by the authority aforesaid, that the fines herein imposed shall be levied by the Sheriff of each respective county wherein each person shall reside who shall be summoned as jurors as herein directed, and shall fail to appear and serve as such, and such sheriff shall be accountable for the same to the county court of his county.

VI. And be it further enacted, by the authority aforesaid, that the sheriff of each respective county shall and is hereby required to summon the freeholders in the list to be delivered him by the clerk of the county court of his county, at least ten days before the sitting of the superior court of which such freeholders are to attend as jurors, which he may do personally or by leaving a note or summons in writing at the dwelling house of such freeholder so to be nominated as aforesaid.

VII. And whereas the attending superior courts will be vey expensive to jurors: For remedy whereof, be it enacted by the authority aforesaid, that each and every juror who shall attend either of these superior courts to which he shall be nominated as aforesaid, and summoned by virtue of this act, upon producing a certificate from the clerk of the superior court of the time of his attendance to the county court of the county where he resides, shall have and receive ten dollars for every day he shall travel and attend as aforesaid and an allowance for his ferriage, if certified as aforesaid, to be paid out of the county tax.

VIII. And be it further enacted by the authority aforesaid, that in all suits in the superior and county courts within this State, wherein the title or bounds of lands shall come in question, if it shall appear to the court necessary, such court may order two surveyors, one to be named by each party, to attend and run out and survey the lands in dispute, agreeable to the bounds and lines expressed in each party's titles, and make three accurate plans of such surveys, and return the same to such court; which order such surveyors are hereby required to obey, and shall be allowed fifteen dollars each for every day they shall be travelling to and from attending the surveys, and performing the duty by this act required, which allowance shall be taxed in the bill of costs, and paid by the party cast. Provided nevertheless, if the parties shall agree to have but one surveyor appointed to perform such services, that then, and in such cases, the court shall order one surveyor only to attend, survey, and run out the lands in dispute, who shall return three plans in the same manner, and be intitled to the same allowance, as he would have been intitled to if two surveyors had been appointed.

IX. And be it enacted by the authority aforesaid, that the justices of the county courts shall, at the sessions of their respective courts, nominate thirty freeholders to serve as grand and petit jurors at the next ensuing court of the county, and a list thereof shall by the clerk be delivered to the sheriff of such county, who is hereby required to summon the persons therein named to attend as jurors at such courts respectively, at least five days before the sitting of such court, which said jury shall appear and give their attendance accordingly till discharged by the court; and that there may not be a default of jurors, it shall and may be lawful, during the sitting of the county court, for the sheriff, by order of such court, to summon of the bystanders other jurors, being freeholders, to serve on the petit jury from day to day, and on any day of the said court the justices may discharge those who have served the preceding day.

X. And to enforce the attendance of jurors at the said county courts, Be it enacted, by the authority aforesaid, that every person who shall here-

after be summoned in virtue of this act to appear as jurors at any county court, such person failing to appear, or to give his attendance till discharged by order of the court, shall be fined in a sum not exceeding fifty pounds by the justices of the county court, to be applied towards defraying the charges of the county, and lessening the county tax, unless he shall shew sufficient cause to the next succeeding court for such failure.

XI. And be it further enacted by the authority aforesaid, that no sheriff, or other officer, shall serve or execute any writ, or other process, on the body of any juror, during his attendance on, going to, and returning from any of the said superior or county courts; any such service shall be void, and the defendant may on motion be discharged.

XII. And be it further enacted by the authority aforesaid, that the judges of the superior courts shall direct the names of all the jurors returned fom the counties of the district where such court shall be held to be wrote on scrolls of paper, which scrolls of paper shall be put into a box, and drawn out by a child under ten years of age, and the first eighteen drawn shall be a grand jury for the said court, and the residue of the names in the box shall be the names of those who shall serve as petit jurors for the said court.

XIII. And be it further enacted by the authority aforesaid, that when either of the parties shall require that a jury should be balloted for, that then, and in that case, the clerk shall write the names of all the petit jurors appearing on scrolls or pieces of paper, and on the issue in such suit, a child under ten years of age, in open court, shall draw out of the said box twelve of the said scrolls or pieces of paper, and the persons whose names shall be in the said scrolls or pieces of paper drawn as aforesaid, shall be jurors to try such issue; provided that they all do appear; and in case of defaulters, other scrolls shall be drawn, until a sufficient number shall appear to make a complete jury.

XIV. And be it further enacted by the authority aforesaid, that when the Governor or commander in chief, with advice of the Council, shall think it necessary to issue a commission to the judges of the superior courts of law of this State, impowering them, or any of them, to hold a court of sessions of the peace, Oyer and Terminer, and general gaol delivery, that the judge or judges impowered to hold such courts, shall issue a venire facias to the sheriff of the county wherein such court is to be held, who is hereby required to summon forty-eight jurors, being freeholders, five days previous to the sitting of said court, to give their attendance at the same, under the same rules, regulations and penalties, as other jurors are liable to in this act directed; and in case of a venire facias not arriving in time to the sheriff to summon as aforesaid, or in default of the attendance of such jurors so summoned, that then the sheriff shall summon of the bystanders such other persons, being freeholders, to constitute the grand and petit jurors of the courts as aforesaid, who if they shall fail or refuse to attend, shall be subject to the same penalties as before mentioned.

XV. And be it enacted by the authority aforesaid, that the witnesses attending at any inferior or superior court of law within this State, shall be allowed ten dollars for each and every day he shall so attend, to be paid by the party summoning such witness or witnesses.

CHAPTER VII.

An Act to amend an Act, entitled, An Additional Act concerning Servants and Slaves, passed at New Bern in the year One Thousand Seven hundred and fifty three, and other purposes therein mentioned.

I. Whereas by the before recited act, the encouragement given to searchers or patrollers, the penalty inflicted on them in case of a non compliance of their duty, and the times appointed for searching, are insufficient;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that each and every searcher or patroller appointed in pursuance of the aforesaid act shall, as to his own person, during the time of his continuance in office, be exempted from serving as a constable, or working upon the roads, attending private musters, or as a juror, and shall be entitled to such further allowance out of the county tax as the court shall think necessary.

III. And be it further enacted by the authority aforesaid, that the searchers in their respective districts shall search once in every month for guns and other weapons, as the before recited act directs, and shall make return on oath of all such guns, or other weapons, which they shall so find, to the succeeding county court, to be applied to the use of the county, or returned to the owner, as the court may direct; and in case they find any slave or slaves on the Sabbath, or other unseasonable time, off his master or mistress's plantation, without a pass, or in company with some white person who will vouch for his or their honest intention, it shall be lawful for them to apprehend such slave or slaves, and convey, or cause to be conveyed, to the master, mistress, or overseer, who shall pay to the said searchers or patrollers in like manner as for apprehending and conveying runaways, as a compensation for their trouble.

IV. And be it enacted, by the authority aforesaid, that every searcher or patroller who shall refuse to serve, or neglect to do his duty, shall forfeit and pay the sum of one hundred pounds, to be recovered in any jurisdiction having cognizance thereof.

V. And be it further enacted by the authority aforesaid, that so much of the before recited act, intituled, An additional Act to an Act concerning servants and slaves, passed at New Bern the twenty-seventh day of March, one thousand seven hundred and fifty three, as comes within the purview of this act, be, and is hereby repealed and made void.

VI. And be it further enacted by the authority aforesaid, that if any person shall be appointed by the county court of his county overseer of a road, and shall refuse to serve as such, such person so refusing to act shall forfeit and pay for such refusal the sum of fifty pounds; to be recovered before a justice of the peace, by any person who shall warrant for the same, and to be applied to the use of the county where such person resides: And if any overseer shall neglect to keep the road which he shall be appointed overseer of in sufficient repair, he shall forfeit and pay the sum of twenty five pounds (bad weather or unavoidable accidents excepted) for every twenty five days that such road shall be out of repair, to be recovered and applied as aforesaid.

VII. And be it further enacted, by the authority aforesaid, that if any person or persons who are not exempted from working on public roads, shall after the passing of this act neglect or refuse to work on any road which he is bound by the court to do, after having legal notice thereof, he shall forfeit and pay for every hand he or she shall neglect to send (inability or

unavoidable accidents excepted) the sum of five pounds currency; to be recovered as fines of the like nature, before any jurisdiction having cognizance thereof; And that so much of an Act of Assembly, intituled, An Act for levying a tax for defraying the contingencies of the several counties in this State, and for other purposes, passed at Halifax in January and February last, as comes within the purview of this clause, is hereby repealed and made void.

CHAPTER VIII.

An Act for punishing persons concerned in any of the several species of Counterfeiting in this State.

I. Whereas the laws heretofore made for preventing counterfeits are found ineffectual;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that if any person after the passing of this act shall by printing, writing, engraving, or any other ways or means, counterfeit, or attempt to counterfeit, any of the public bills of credit emitted by the Congress of the United States, or by any Congress, Convention or Assembly, of this State, or of any one of the United States, or any of the lottery tickets of the United States, or any certificates from the loan offices of this State, or of the United States, or either of them, or any part, word, letter, name, emblem, or device of the said bills of credit, lottery tickets, or loan office certificates; or shall make or construct, or cause to be made or constructed, or have in possession, any die, type, or other instrument, for imitating or counterfeiting any of the said bills of credit, lottery tickets, or loan office certificates, or any part, word, letter, emblem, or device thereof, except by authority of law, or in case where such may be seized in order to bring suspected persons to justice; or shall alter or deface any of the said bills of credit, lottery tickets, or loan office certificates; such person or persons so offending, being thereof lawfully convicted, by confession or verdict, or standing mute on arraignment on trial, shall for the first offence stand in the pillory three hours, and have his right ear nailed to the pillory and cut off, and receive on his or their bare back thirty nine lashes, and be branded with a red hot iron on the right cheek with the letter C, and on the left cheek with the letter M (which brands shall be at least one inch in length, and three quarters of an inch in breadth) and be imprisoned at the discretion of the court before whom it shall be tried, not exceeding one year, and forfeit one half of all his or their goods and chattels, lands and tenements, whereof he or she was seized or possessed at the time the offence was committed, to the State.

III. And be it further enacted by the authority aforesaid, that if any person or persons shall pass, or attempt to pass, any counterfeit likeness of any of the said bills of credit, lottery tickets, or loan office certificates, and being thereof convicted, by sufficient evidence, that the same was passed, or intended to be passed, with an intention to defraud, he or she so offending shall for the first offence stand in the pillory one hour, and have one ear cut off, and receive thirty nine lashes, well laid on, on his or her bare back, and imprisoned at the discretion of the court, and forfeit one half of his or her property to the use of this State.

IV. And be it further enacted by the authority aforesaid, that if any person or persons shall be found guilty of uttering or passing any of the afore-

said counterfeit bills of credit, lottery tickets, or loan office certificates, for the second offence he or they shall suffer death, without benefit of clergy.

V. And be it further enacted by the authority aforesaid, that any person apprehended for any of the crimes afore mentioned, sufficient proof thereof being made before any justice of the peace, shall be committed, or bound over as in other cases of felony.

VI. And be it further enacted by the authority aforesaid, that in all future trials or arraignments under this act, the defendant shall not be entitled to make any peremptory challenge, nor shall the attorney for the State, nor the defendant or his council, take exception against any of the jury called, unless good and sufficient reasons shewn to, and approved by the court.

VII. And be it further enacted by the authority aforesaid, that in all trials hereafter for any of the crimes above mentioned, neither the attorney for the State, nor the council for the defendant, shall be allowed to use any argument against or in favor of the defendant, but shall and may examine and cross-examine the witnesses on both sides, leaving to the judges to state the evidences, and give a charge to the jury thereupon.

CHAPTER IX.

An Act to amend an Act, intituled, An Act to amend the Staple of Tobacco.

I. Whereas for several years past, from the difficulty of procuring materials, and the advanced price of mechanical labour, most of the public warehouses in this State have become decayed, ruinous, and unrepaired, and it being at this time inexpedient to levy on the different counties wherein said warehouses stand a sum equivalent to the rebuilding or repairing the same;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this Act the justices in each respective county in this State, wherein public warehouses for tobacco now stand erected, shall from court to court, as they shall deem fit and proper, regulate and ascertain what shall be paid as warehouse rent for each hogshead of tobacco by the owner or owners of the same, which shall thereafter be brought to the said warehouses; and the said justices shall and may appoint some fit person to receive said monies, who shall be accountable to them at all times for the appropriation of the same, by action of debt, before any court having cognizance thereof, wherein the inspectors books shall be proof as to the number of hogsheads received, for the whole of which such person shall be liable to answer, and shall be allowed no protection.

III. And whereas the salaries and allowances to inspectors under the before recited act are inadequate to their trouble; Be it therefore enacted by the authority aforesaid, that the justices of the respective counties wherein warehouses as aforesaid now stand erected, at the first court to be held for such counties after the passing of this act, shall allow such farther salary to inspectors as to them shall seem reasonable and proper, and that such salary shall be paid out of the monies arising on tobacco for warehouse rent.

IV. And be it further enacted by the authority aforesaid, that the justices in such respective counties as aforesaid shall from time to time, as occasion may require, lay out and appropriate any remaining part of the aforesaid

monies in repairing or rebuilding their respective warehouses, in such manner as they may think necessary.

V. And be it further enacted by the authority aforesaid, that the same rules and regulations herein before contained shall be had and taken with respect to warehouses built by private persons on their own lands, and at which a public inspection hath been heretofore held, so far as respects the warehouse rent that shall be paid for each hogshead of tobacco.

VI. And be it further enacted by the authority aforesaid, that so much of the before recited act as comes within the purview and meaning of this act, shall be repealed and made void.

CHAPTER X.

An Act for regulating Ordinaries, Houses of Entertainment, and Ferries, and other purposes.

I. Whereas the laws at present in force have been found ineffectual for the due regulation of ordinaries and ferries:

II. Be it Enacted by the General Assembly of North Carolina, that all persons hereafter retailing liquors shall sell the same by sealed measures, or such other measures as shall at least contain the full quantity pretended to be sold.

III. And be it further enacted that no person, not having a license for keeping an ordinary, shall sell or retail liquors in smaller quantities than is by this act permitted, under the penalty of fifty pounds for every offence, one half to the use of the State, the other half to the use of the informer.

IV. And be it further enacted by the authority aforesaid, that any person, by applying to the court of the county in which such person dwells, and praying a licence to keep an ordinary, may at the direction of such court be ordered to have a licence for the purpose aforesaid, unless it shall appear to the said court that the person so applying is a person of gross immorality, or of such poor circumstance, and slender credit, that they think him or her not able to comply with the intention of this act; and on granting such licence, the person who applies for the same shall produce one or more securities to the said court, to be by them approved, who shall before the licence be made out, join with him or her in a bond of the following tenor, to-wit,

Know all men, by these presents, that we, A. B. and C. D. are held and firmly bound unto ———— Governor of the State of North Carolina, in the sum of one thousand pounds current money of the said State, to be paid to the said ———— or his successors. To the which payment well and truly to be made, we bind ourselves, and every of us, our and every of our heirs, executors, and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated the ———— day of ————

The condition of the above obligation is such, that whereas the above bounden A. B. hath obtained a licence to keep an ordinary at ———— if therefore the said A. B. doth constantly find and provide in his or her said ordinary good, clean, and wholesome diet and lodging for travellers, and stable, fodder, corn and pasturage, for their horses, for and during the term of one year from the ———— day of ———— then this obligation to be void, otherwise to remain in force.

And in case of a breach of, or not complying with the condition of said

bond, it shall and may be lawful for any person, in the name of the governor, to sue for and recover the penalty of said bond, and apply one half thereof to his or her own use, and the other half to the use of the county where the cause of action may arise.

V. And be it further enacted by the authority aforesaid, that when such bond shall have been given, the clerk of the court shall prepare a licence, and sign the same, which licence shall continue in force one year, and no longer; and the said clerk shall receive the sum of five dollars to his own use, for licence, bond, and order of court.

VI. And be it further enacted by the authority aforesaid, that if any ordinary keeper shall entertain servants or slaves against the will of their owners, or common sailors against the directions of the masters of vessels to which they belong, every ordinary keeper so offending shall and may, by order of two justices, before whom such offence shall be proved, be from thenceforth suspended and disabled from keeping an ordinary, as if he or she had never obtained a licence for that purpose. Provided nevertheless, that such ordinary keeper may be heard by the next court, who if they think proper may restore such ordinary keeper, by granting him a new license.

VII. And be it further enacted by the authority aforesaid, that any person which (after being suspended and disabled from keeping an ordinary according to the directions of this act) shall sell or retail liquors until he or she shall obtain another licence for such purpose, shall be liable to the same penalties as if a licence had never been obtained by him or her.

VIII. And be it further enacted by the authority aforesaid, that the justices of each county shall once a year, or oftener if necessary, after the first court to be held after the first day of January next, rate the prices of liquors, diet, lodging, fodder, corn, provender and pasturage, to be taken by ordinary keepers; also the said justices shall, at the same time, rate the prices of such ferries as shall be kept within their respective counties: And every ordinary keeper shall, within thirty days after the rates shall be set by the county court where his or her license shall be granted, obtain of the clerk a fair copy of such rates, for which the clerk may take and receive eight shillings; which copy shall be openly set up in the common entertaining room of such ordinary, and there kept till the rates are again altered, and every ordinary keeper failing herein, shall forfeit and pay one hundred pounds for every failure.

IX. And be it further enacted by the authority aforesaid, that every ordinary keeper who shall ask, demand or receive, a greater price for any drink, diet, lodging, fodder, provender, corn or pasturage, or any ferry keeper who shall ask, demand or receive, a greater price for ferriage than shall be rated by the justices according to the directions of this act, shall forfeit fifty pounds for every offence; to be recovered by the informer to his own use, before any jurisdiction having cognizance thereof.

X. And be it further enacted by the authority aforesaid, that no ordinary keeper shall sell on credit liquors to any common sailor to more than the amount of ten pounds, without leave of the master of the vessel to which he belongs, under the penalty of losing the money which otherwise he or she might have recovered for such liquor so sold to such sailor on credit, nor sell drink by small measures upon credit to any other person to a greater amount than twenty pounds, unless the person so credited shall sign a book, in the presence of one or more sufficient witness, or witnesses, in acknowledgment of the said debt, under the penalty of losing the money so credited; and in any action brought for recovery of such debt, the general issue may be pleaded, and this act given in evidence.

XI. And be it further enacted by the authority aforesaid, that all penalties, fines and forfeitures, in this act, the method of recovering or applying whereof are not herein particularly directed, shall be one half to the county wardens, for the use of the county where such fine is incurred, the other half to him or them that shall sue for the same; to be recovered with costs, by action of debt, bill, plaint, or information, in any court of record having cognizance of the same.

XII. Provided always, that nothing in this act contained shall be construed, deemed or taken, to prohibit or restrain any person to sell by retail wine, rum, brandy, or other spirits, by the quart or a greater quantity, or ale, beer, or cyder, in any quantity not less than a gallon, provided that the same be not intended to be drank on the plantation whereon the same are sold.

XIII. And be it further enacted by the authority aforesaid, that if any person or persons, from and after the passing of this act, shall sell and deliver any kind of grain, salt, or other articles, in a less measure than the standard established by law, shall forfeit and pay for each offence the sum of five hundred pounds; to be recovered in any court of record having cognizance thereof, to be applied to the use of the person suing for the same.

XIV. And whereas some persons who live at, or own public ferries in this State, have denied to keep up the same for the rates allowed them by their respective county courts: For remedy whereof, Be it further enacted by the authority aforesaid, that if any person or persons who live at, or own public ferries in this State, shall refuse to keep up such ferry or ferries at the rates allowed them by their said county courts, every such person so offending shall for every offence forfeit and pay the sum of fifty pounds; to be recovered by any person suing for the same, to his or her own use.

XV. And whereas the small allowance to the rangers, for strays taken up, is not sufficient compensation for their trouble; Be it therefore enacted by the authority aforesaid, that it shall and may be lawful for the ranger in any county in this State to receive from the person or persons taking up such strays the sum of two dollars, for every entry of strays by him to be made, including all services; and that the several rangers furnish the county treasurer with a list of all the strays entered with him once in every six months, for all strays so entered for the year preceding such return.

XVI. And be it enacted by the authority aforesaid, that so much of an Act of Assembly, passed at New Bern in the year one thousand seven hundred and seventy-seven, intituled, An Act to prevent abuses in taking up stray horses, cattle, hogs and sheep, and other things therein mentioned, as comes within the purview of this act, shall be made void.

XVII. And be it further enacted by the authority aforesaid, that every act and acts, and every clause and article thereof, heretofore made, within the purview and meaning of this act, is and are hereby repealed and made void. to all intents and purposes.

CHAPTER XI.

An Act to amend an Act, entitled, An Act for ascertaining what property in this State shall be deemed Taxable Property, the method of assessing the same, and collecting the Public Taxes, and other Purposes.

I. Whereas by the before recited act it is enacted that the Quakers, Moravians, Dunkards, and Menonists, shall pay a threefold tax, without any exception, and it is found the said act will operate equally against all

orphans estate, widows, and aged men, of those societies, as well as those which heretofore were subject to militia duty: For remedy whereof,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that anything contained in the before recited act shall not be construed to extend to any orphan under the age of sixteen years, or widow, or any person of fifty years and upwards, of said societies, to subject them to the payment of a threefold tax, unless such estate shall have been conveyed to them with intent to evade the operation of the assessment act aforesaid.

III. And be it further enacted by the authority aforesaid, that all and every person or persons of the people aforesaid, who shall fail or refuse to give in their taxable property according to the directions of the said act, shall pay three shillings in the pound for such their neglect or refusal, which shall be in lieu of their said tax.

IV. And whereas the public tax cannot be collected in some counties of this State, where the sheriff hath refused or failed to give security according to law: For remedy whereof, Be it enacted by the authority aforesaid, that in such case the county court shall appoint some person, being a freeholder, to collect said tax, he first giving bond with sufficient security for that purpose; who shall have the same powers and authorities, and be entitled to the same profits, and be subject to the same rules and restrictions, as if he had been sheriff, as to the collection of the taxes aforesaid.

V. And whereas, it is provided by an act passed this present session of Assembly, that an aid of three thousand men be sent to South Carolina, for the defence of that State and Georgia; and whereas it is also provided that the sum of three hundred dollars for each volunteer, and one hundred and fifty for each drafted man of the aforesaid three thousand, be advanced to them as a bounty; and our treasury at this time being in an exhausted state, it becomes expedient to take up and receive on the public credit and faith of this State a limited sum on loan; Therefore, be it further enacted, by the authority aforesaid, that his Excellency the Governor be empowered to receive for the use aforesaid any sum, not exceeding five hundred thousand dollars, and that he grant indented certificates under his hand to each depositor of money with him for the purpose aforesaid. Provided, that no certificate be by him granted to any person for a less sum than five hundred dollars, and that each certificate shall bear and carry interest at the rate of six per cent. per annum, and be exempt from taxation in future until redeemed.

VI. And be it also further enacted, that his Excellency the Governor transmit the same to the places of rendezvous for each district, in proportion to the number of men to be marched from each district.

VII. And be it further enacted by the authority aforesaid, that so much of the before recited act as comes within the purview and meaning of this act, is repealed and made void.

CHAPTER XII.

An Act to amend an Act, intituled, An Act concerning servants and slaves.

I. Whereas from the present very small and inadequate allowance by the public to the owners of executed slaves, crimes and thefts by them com-

mitted go frequently unpunished, such slaves being screened from public justice often by their owners;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that there shall not be allowed by the public to the owner of any slave who shall hereafter be executed in virtue of the judgment of the court who shall try such slave, any larger sum than seven hundred pounds current money for a prime slave, and so in proportion for slaves of a less value; any law, usage or custom, to the contrary, notwithstanding.

III. And be it further enacted by the authority aforesaid, that so much of the before recited act as comes within the purview and meaning of this act, shall be, and the same is hereby repealed and made void.

CHAPTER XIII.

An Act to enlarge the Jurisdiction of Justices of the Peace.

I. Whereas many inconveniences ensue from the small power that justices of the peace are restricted to with respect to determining causes of debt, &c., it is necessary that in such cases their power be further extended;

II. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, that any one justice of the peace have power, and is hereby authorized and impowered, to try and determine any cause of debt, arising by bond, bill, note or account, not exceeding fifty pounds, in the same manner and form as directed, by an act of Assembly, passed at New Bern the fifteenth day of November, one thousand seven hundred and seventy-seven; any law or usage to the contrary notwithstanding. Provided, that if either of the parties shall think him or herself aggrieved by the determination of any justice of peace in the cases above mentioned, such party shall be intitled to an appeal to the county court, and the said court shall finally determine thereon.

III. And be it further enacted by the authority aforesaid, that any part of the above recited act that comes within the purview and meaning of this act, is hereby repealed and made void.

CHAPTER XIV.

An Act for establishing Fairs in Halifax Town and Edenton.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that fairs shall and may be held in the said towns of Halifax and Edenton twice in every year, viz. on the first Thursday in May and the first Thursday in November in the town of Halifax, and the second Thursday in May and November in Edenton, each fair to continue for three days, for the sale of every kind of horses, black cattle, sheep and hogs, pork, and all kinds of provision, tobacco, and every other natural production of the country, and also for the sale of all and every sort of goods, wares and merchandise, whether foreign or manufactured in this State; and that on the said Fair days, and on three days next before, and three days next after each of the said fairs, all persons coming

to, being at, or going from the same, together with their horses, cattle, or other effects, intended for sale, or purchased at the said fairs, shall be free and exempt from all arrests, attachments, and executions whatsoever, except for capital offences, breaches of the peace, or for quarrels or controversies that may arise during the said time, in which cases process may be immediately issued, and proceedings thereupon had in the same manner as if this act had never been made.

II. And in order to prevent frauds and impositions in the sale of blooded horses, Be it enacted by the authority aforesaid, that the judges of the said fairs respectively, herein after mentioned, shall appoint registers for the same, who shall take an oath for the faithful discharge of their duty; and every person who shall bring a blooded horse, mare or gelding, to the said fairs, or any of them, for sale, shall deliver in writing to the register of the fair a certificate of the owner and vender's name, and the colour, age and blood, of such horse, mare or gelding, all which shall be entered by the said register in a book to be by him kept for that purpose; and he shall also safely keep all such certificates, that recourse may be had to the originals if necessary: And if any person shall sell, or offer for sale, any blooded horse, mare or gelding, in the said town of Halifax or Edenton, during the time of the said fairs, without first delivering in a certificate as aforesaid to the register, the person so offending shall forfeit and pay one tenth part of the value of such horse, mare or gelding, one half to the use of the informer, the other half to the use of the purchaser, where an actual sale has been made, but where there has been no sale, the whole to the use of the informer; to be recovered, on complaint or information, as is hereinafter directed: And if any person shall wilfully deliver in to the register a false certificate of the age or blood of any horse, mare or gelding, and shall sell the same, such person, on proof made, shall forfeit and pay one fifth part of the value of such horse, mare or gelding, to the use of the purchaser, to be recovered on complaint or information, as herein directed; and the person so convicted shall never after be permitted to sell any blooded horse, mare or gelding, at any of the said fairs.

III. And for the trial of complaints and informations in cases above mentioned, and also for the trial of controversies and disputed bargains arising at the said fairs; Be it enacted, by the authority aforesaid, that five judges shall be appointed for the fairs in Halifax, viz: John Webb, Henry Montfort, Oroondates Davis, Charles Pasteur, and John Geddy, and five judges for the fairs in Edenton, viz. Thomas Benbury, Samuel Johnston, Joseph Hewes, Michael Payne, and Robert Smith, either of whom may, on application, issue citations and subpoenas, and nominate persons to execute the same; and the said judges, or any three of them, in their respective jurisdictions, shall and may hear and determine instanter in all such cases and shall issue executions, and appoint an officer or officers to execute the same, and exercise all the powers incident to a court of pie powder.

IV. And be it further enacted by the authority aforesaid, that any person may have recourse to the register book, and the register shall and may receive for entering every certificate one dollar, for every search half a dollar, and for copy of a certificate one dollar; and the officer or officers appointed by the said judges to serve or execute process, shall have the same fees and commissions as by law allowed to sheriffs in the like cases.

V. And be it further enacted by the authority aforesaid, that the county court of Halifax shall at all times have power to fill up vacancies which may happen among the judges of the fairs in Halifax, by death, removal, or

refusal to act; and the county court of Chowan the like powers with respect to the judges of the fairs in Edenton; and the judges so appointed shall have the same powers and authorities, as if they had been nominated and appointed by this act.

CHAPTER XV.

An Act to vest the title of certain lands therein mentioned in Abner Nash, Esquire, and other purposes.

I. Whereas it hath been made appear, to the satisfaction or the General Assembly, that Abner Nash, of the county of Jones, is justly entitled to one third part of a certain tract of land, lying and being in the county of Orange, containing five thousand acres, the same being a tract of land late the property of Richard Augustus Lathbury, and sold to Edmund Fanning, in behalf of himself, Thomas Hart, and the said Abner Nash, by the sheriff of the said county of Orange, to satisfy a judgment and execution obtained in the superior court of Halifax by a certain Richard Bridger; and the said Edmond Fanning, who owed allegiance to this State, having departed the same, and joined the enemies of the United States, whereby his property hath by the laws of this State become forfeited to the same; and it being reasonable that the said one third part of the said land should be protected from confiscation, and secured to the said Abner Nash:

II. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that Thomas Taylor, John Kinchen, and John Eastice, or any two of them, be, and they are hereby appointed commissioners, for the laying out and ascertaining unto the said Abner Nash his one third part of the said tract of land, regard being had to the quantity and quality of the same; and thereupon that they, or any two of them as aforesaid, shall execute unto the said Abner Nash a good and sufficient deed of conveyance for the same; all which proceedings, at the proper costs and charges of the said Abner Nash, when had done, shall be deemed sufficient in law to vest in him all the right and title which this State hath, or may have acquired, in and to the same, by confiscation, forfeiture, or otherwise; any law to the contrary notwithstanding.

III. And whereas, also it hath been made appear, to the satisfaction of the General Assembly, that Thomas Burke, of the county of Orange, is justly entitled to a certain tract or parcel of land situated in the said county of Orange, on both sides of Little river, beginning at a hickory and red oak on the east bank of the river, a corner of John Pilkerton's; thence crossing the river with McCallister's line, west thirty-eight chains, to a red oak sappling; thence along his line, south four chains and an half, to a black oak; thence along his line, west forty chains, to a red oak; thence along his line, north seven chains, to a hickory sappling on Joseph Allison's line; thence along his line, west nine chains, to a hickory sappling, corner of William Ray's land; thence his line south, crossing the river three times, to wit, at eleven chains, at eighteen chains, and at twenty-two chains, and continued sixty-five chains, to a black jack sappling; thence east thirty one chains fifty links, to a large forked oak, and continued fifty six chains and an half to a stake; thence north thirty four chains, with Pilkerton's line to a persimmon tree standing on the bank of the river; thence down the waters of the rivers with Pilkerton's line, to a stake

on the east bank of the said river; thence his line, east ten chains, to a hickory and white oak, thence his line, north ten degrees west, ten chains, to the first station; containing three hundred and ninety three acres, of which tract or parcel of land the late James Milner died seized, and which was sold by a certain Andrew Miller, executor of the last will and testament of the said James, to the said Thomas Burke; and the said Andrew Miller having attached himself to the enemies of this and of the United States, and the heirs of the said James Milner (if any there be) being aliens and enemies of this State, and it being nevertheless just and reasonable that the said Thomas Burke should have the full effect of his contract and purchase of the said lands and premises, and that the same should be protected from confiscation, and secured to the said Thomas Burke: Be it therefore enacted, by the authority aforesaid, and it is hereby enacted, that the said tract or parcel of land, situated, lying and being in the county of Orange aforesaid, on both sides of Little river, and bounded as aforesaid, be and remain to the said Thomas Burke, his heirs and assigns, for ever; saving the rights of all persons who are citizens of this or any of the United States, and all rights (except such as may be now or hereafter vested in this State, by forfeiture, confiscation, escheat, or derelection) by, from, or under the heir or heirs of the said James Milner, deceased, who are aliens or enemies; any law to the contrary, notwithstanding.

IV. And whereas it hath further been made appear, to the satisfaction of the General Assembly, that on or about the ninth day of March, one thousand seven hundred and seventy four, Thomas Person, Esquire, of Granville county, did purchase of a certain William Field, a certain tract of land lying in the county of Randolph, late Guilford county, on both sides Hickory creek, containing two hundred and thirty three acres, and bounded as follows, to wit, Beginning at a hickory, on John Osborn's line; thence running north two hundred and twenty poles, to a white oak; thence east, crossing Hickory Creek, one hundred and seventy poles, to a white oak; thence south two hundred and twenty poles, to a hickory, to and along Osborn's line, to the beginning; the same land having been granted to Isaac Cox by Earl Granville, by a deed bearing date the twenty-sixth day of October, one thousand seven hundred and fifty nine, and by sundry mesne conveyances, as appears by the records, afterwards to the said William Field; and the said Thomas Person having paid the purchase money, or the greatest part thereof, and taken a bond of the said William Field, bearing date the aforesaid ninth day of March, one thousand seven hundred and seventy four, conditioned for the making unto the said Thomas a good title in fee-simple in and to the said land: And whereas the said William Field afterwards, and before any legal title by deed could be obtained from him for the land aforesaid, did traiteriously withdraw himself from this State, and did join the enemies of the United States, whereby all his lands and tenements, goods and chattels, are become forfeited to this State; and it being reasonable that the said land, so as aforesaid purchased of him by the said Thomas Person, should be protected from confiscation, and secured unto him: Be it therefore further enacted, by the authority aforesaid, that the said two hundred and thirty-three acres, situated and bounded as is before set forth, be, and the same is hereby declared to be vested in the said Thomas Person, his heirs and assigns, for ever, as fully, to all intents and purposes, as if the said Field had executed a deed to him for the same before his departure from this State.

V. And be it further enacted by the authority aforesaid, that the said Abner Nash, Thomas Burke, and Thomas Person, shall pay into the hands

of the commissioners to be appointed for the counties of Orange and Randolph the respective sums due for the lands aforesaid, and that they account on oath for the same.

VI. Provided nevertheless, that this act shall not be construed to extend to invalidate any legal conveyance made by the within mentioned Edmund Fanning previous to the declaration of independence, to any part or parcel of the within mentioned land.

CHAPTER XVI.

An Act for dividing Anson County, and other purposes.

I. Whereas the large extent of the county of Anson, together with the difficulty of crossing the river Pee Dee, especially when waters are high, renders it grievous and troublesome to many of the inhabitants to attend the courts, general musters, elections and other public meetings appointed therein;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the said county of Anson be divided into two separate and distinct counties, and that the river Pee Dee be the dividing line; and that all that part of Anson that lies on the south west side of the said river Pee Dee, shall be, continue and remain, a distinct county, by the name of Anson; and that all that other part of the county of Anson that lies on the north east side of said river, shall thenceforth be erected into a new and distinct county, by the name of Richmond county.

III. And for the due administration of justice, Be it enacted by the authority aforesaid, that a court for the said county of Richmond shall be held constantly by the justices thereof on the last Mondays in March, June, September and December; and the Justices for the said county of Richmond are hereby authorized and impowered to hold the first court for the said county of Richmond at the Presbyterian meeting house, near Hitchcock creek, on the last Monday in December next, and all subsequent courts for the said county of Richmond on the days above mentioned for holding courts therein, at any place to which the said Justices shall from court to court adjourn themselves, until a court house shall be built for the said county of Richmond, and then all causes, matters and things, depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for the said county of Richmond shall be held by commission to the justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are or shall be prescribed for other courts held for the several counties in this State.

IV. And be it further enacted by the authority aforesaid, that nothing herein contained shall be construed to debar the late sheriff of the said county of Anson, as the same stood undivided, to make distress for any levies, fees, or other dues, now actually due and owing from the inhabitants of said county as it formerly stood undivided, in the same manner as by law the said sheriff could or might have done, if the said county had remained undivided; and the said levies, fees and other dues, shall be collected and accounted for in the same manner as if this act had never been made; anything herein contained to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, that after the

passing of this act the said county of Richmond shall continue and remain part of the district of Salisbury; and the county treasurer of the said county of Richmond shall from time to time account for and pay to the public treasurer of Salisbury district for the time being, all public taxes by him collected, or wherewith he shall stand chargeable, in the same manner, and under the like penalties, as other county treasurers.

VI. And be it enacted by the authority aforesaid, that Henry William Harrington, John Donaldson, William Legate, John Coal, Robert Webb, Robert Thomas and Richard Pemberton, Esquires, be, and they are hereby impowered and directed to agree with workmen for erecting and building a court house, prison and stocks for the use of the said county of Richmond, at such place as they or a majority of them shall agree upon, as near the center of the said county as conveniences will admit of, and purchase of the proprietor or proprietors of such land fifty acres of land for erecting and building the court house, prison and stocks thereon.

VII. And for reimbursing the said commissioners the money they shall expend in purchasing the aforesaid fifty acres of land, and erecting the said buildings; Be it enacted by the authority aforesaid, that a tax of two shillings in the hundred pounds, shall be, and is hereby assessed, on the taxable property in the said county of Richmond, for three years, and two shillings on all taxable persons that are not possessed of taxable property of the value of one hundred pounds, to commence from the passing of this act; and that all persons who shall neglect or refuse to pay the said tax at the time limited for payment of public taxes, shall be liable to the same penalties and distress, as for non-payment of public taxes; and the sheriff of the said county of Richmond is hereby directed and required to account for and pay the monies by him so collected to the commissioners aforesaid, after deducting his commissions for collecting the same; and in case of failure or neglect in the said sheriff, he so failing or neglecting shall be liable to the same penalties and recoveries as by law may be had against sheriffs for public taxes in like cases.

VIII. And be it further enacted by the authority aforesaid, That all manner of suits, causes and pleas, whether civil or criminal, now commenced in the county court of Anson, shall continue and may be prosecuted to a final end and determination; any thing in this act contained to the contrary, notwithstanding.

IX. And be it further enacted by the authority aforesaid, That the said county court of Richmond shall, from and after the last Monday of December next, nominate and appoint three freeholders to serve as jurors at the superior courts held for the district of Salisbury.

X. And be it further enacted by the authority aforesaid, That all entries of land lying in the said county of Richmond, which hath or hereafter shall be made with the entry taker of Anson county on or before the first day of December next, and shall remain unsurveyed on the day aforesaid, that it shall and may be lawful for the entry taker of Anson county, and he is hereby directed to issue warrants for all such entries aforesaid, to the surveyor of said county of Richmond; any thing in this act to the contrary notwithstanding.

XI. And be it enacted by the authority aforesaid, That courts for the county of Anson shall be held hereafter by the justices thereof on the first Mondays in January, April, July and October; and the justices of the said county of Anson are hereby authorized and empowered to hold the first court of the said county of Anson at the court house of Anson, and all subsequent courts for the said county of Anson on the days above mentioned

for holding courts therein, at any place to which the said justices shall from court to court adjourn the said court, until a court house shall be built for the said county of Anson; and that all causes, matters and things, depending in the said court, and all process returnable to the same, shall be adjourned to such court house.

XII. And be it further enacted by the authority aforesaid, That David Love, Richard Farr, Thomas Lacey, George Davison, Shem Thomson, William Johnson and John Jackson, or a majority of them, be and are hereby impowered and directed to agree and contract with workmen for erecting and building a court-house, prison and stocks, for the use of the said county of Anson, at such place as they, or a majority of them, shall agree upon, as near the centre of the said county of Anson as conveniences will admit of, and purchase of the proprietor or proprietors of such land fifty acres of land, for erecting a court-house, prison and stocks, thereon.

XIII. And for reimbursing the said commissioners the monies they shall expend in purchasing the said land, and erecting the said buildings; Be it enacted by the authority aforesaid, that a tax of two shillings in each hundred pounds value of taxable property shall be, and is hereby assessed on the taxable property in the said county of Anson for three years, and a poll tax of two shillings on each taxable person in said county that is not possessed of taxable property to the value of one hundred pounds, to commence from the passing of this act; and that all persons who shall neglect or refuse to pay the same at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; and the sheriff of said county is hereby required to collect, account for, and pay the monies so collected to the commissioners aforesaid, after deducting his commissions for collecting the same; and in case of failure or neglect of the said sheriff, he so failing or neglecting, shall be liable to the same penalties and recoveries as by law may be had against sheriffs for failing to collect public taxes.

XIV. And be it enacted by the authority aforesaid, that the said county court of Anson, from and after the passing of this Act, shall nominate and appoint three freeholders to attend the superior court of Salisbury as jurors.

XV. And be it enacted by the authority aforesaid, that after the passing of this act, the persons who are now in the commission of the peace for the county of Anson, shall be and continue justices of the peace for either of the aforesaid counties in which they shall reside, and shall be impowered to hold courts, and execute all and every thing appertaining to the office of a justice of the peace for the counties of Anson and Richmond; and all militia officers of the aforesaid county shall exercise their respective offices and commissions, until new commissions can be had; any thing to the contrary, notwithstanding.

XVI. And be it enacted by the authority aforesaid, that the next general election for the county of Anson shall be held at the meeting house, known by the name of Chiles's Golds-Fork meeting house; and the next general election for the county of Richmond shall be held at the Presbyterian meeting house, near Hitchcock creek; any thing to the contrary, notwithstanding.

CHAPTER XVII.

An Act for the Division of Dobbs County, and other purposes therein mentioned.

I. Whereas the large extent of the county of Dobbs renders the attendance of the inhabitants of the extreme parts thereof at the court-house, to perform public duties difficult and expensive: For remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, the said county of Dobbs be divided, and that William Caswell, Charles Markland, William McKinnie, Senior, Etheldred Ruffin, and Benjamin Cobb, or a majority of them, be, and they are hereby appointed commissioners for running the dividing line, who are hereby directed to run the lines of the said county of Dobbs so that they ascertain the middle part of said county, which when discovered, they shall run a line a north and south course through the middle part of said county; and then all that part of said county which lies eastwardly of the dividing line, shall continue and remain a distinct county, by the name of Dobbs; and that all the other part shall be a distinct county, by the name of Wayne, with the same privileges and immunities as any other county within this State.

III. And for the due administration of justice, Be it enacted by the authority aforesaid, that a court for the said county of Wayne shall be constantly held by the justices thereof on the second Mondays in January, April, July and October, in each and every year; and the justices for the said county of Wayne are hereby authorized and impowered to hold the first court for the same at Josiah Sasser's house, on the second Monday in January next, and all subsequent courts, elections, and other public business, directed by law to be transacted at the respective court-houses in this State, shall be held and transacted for the said county, at any place to which the said justices shall from court to court adjourn themselves, until a court-house shall be built for the said county of Wayne, and then all causes, matters and things, depending in said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for the said county of Wayne, shall be held by commission to the justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as is or shall be prescribed for other courts held for the several counties in this state.

IV. And be it further enacted, that nothing herein contained shall be construed to debar the late or present sheriff or collectors of Dobbs county to make distress for any taxes, fees, or other dues, now actually due and owing from the inhabitants of said county, in the same manner as by law the said sheriffs or collectors could or might have done if said county had remained undivided; and said taxes, fees, and other dues, shall be collected and accounted for in the same manner as if this act had never been made.

V. And be it further enacted by the authority aforesaid, that from and after the passing of this act, the said county of Wayne shall be, continue and remain, part of the district of New Bern; and the county treasurer of said county shall from time to time account for and pay to the public treasurer of the district of New Bern all public monies wherewith he shall stand chargeable, in the same manner, and under the like pains and penalties, as other county treasurers.

VI. And be it further enacted, by the authority aforesaid, that Robert Sims, Thomas Gray, Andrew Bass, Etheldred Ruffin, and William Alford, or the survivors of them, be, and they are hereby impowered and directed, to

agree and contract with workmen for erecting and finishing a court house, prison and stocks, for the use of said county of Wayne, at such place as they or a majority of them, shall agree upon, at or near the centre of said county.

VII. And for reimbursing the commissioners for running the dividing line, as also the commissioners for erecting the said buildings; Be it enacted by the authority aforesaid, that a tax of two shillings on every hundred pounds value of assessable property, and a poll tax of two shillings on all persons not possessed of one hundred pounds taxable property, be levied on the inhabitants of said county for two years, to commence from the first day of January, in the year one thousand seven hundred and eighty; and all persons who shall refuse or neglect to pay the said tax at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes: And the collectors of said county are hereby required and directed to pay the money by them so collected into the hands of said commissioners, after deducting their lawful commissions for collecting the same; and in case of failure or neglect, such collector so failing or neglecting, shall be liable to the same penalties and recoveries, as by law may be had against collectors of public taxes in like cases.

VIII. And be it further enacted, that all manner of suits, causes, pleas, and every species of litigation or controversy whatsoever, now commenced and depending in the county court of Dobbs, shall be proceeded on in said court to a final end and determination.

IX. And be it further enacted, that where any inhabitant of Wayne county already hath, or hereafter may make an entry for lands lying in said county with the entry taker of Dobbs county, and the warrant of survey is not already executed, said entry taker is hereby required to make out and direct such warrant to the proper surveyor of Wayne county.

X. And be it further enacted, that a court for the said county of Dobbs shall be constantly held, by the justices thereof, on the first Mondays of January, April, July, and October.

XI. And be it further enacted, that the justices for the said county of Dobbs shall hold the next court for said county in Kingston, at a house lately occupied by Col. James Glasgow, and all subsequent courts for the said county to be held at the said house until a court house shall be built for the said county of Dobbs.

XII. And be it further enacted by the authority aforesaid, that William Caswell, John Herritage, William Ormond, William Hooker and Bryan Whitfield, Esquires, or the survivors of them, be, and they are hereby empowered and directed, to agree and contract with workmen for erecting and finishing a court house, prison and stocks for the use of the said county of Dobbs, at such place as they, or a majority of them, shall agree upon, as nearly centrical as may be convenient.

XIII. And for reimbursing the commissioners for running the said dividing line, as also the commissioners for erecting said buildings; Be it enacted, by the authority aforesaid, that a tax of two shillings on every hundred pounds value of assessable property, and a poll tax of two shillings on every person not possessed of one hundred pounds taxable property, be levied on the inhabitants of said county for two years, to commence from the first day of January, in the year one thousand seven hundred and eighty and all persons who shall refuse or neglect to pay said tax at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; And the collectors of

said county are hereby required and directed to pay the monies by them so collected into the hands of said commissioners, after deducting their usual commissions for collecting the same; and in case of failure or neglect, such collector so failing or neglecting, shall be liable to the same penalties and recoveries as by law may be had against collectors of public taxes in like cases.

CHAPTER XVIII.

An Act to enable John Kirkwood and Thomas Robeson to sell and dispose of the estate of John Robeson, deceased.

I. Whereas John Robeson, of the county of New Hanover, having died intestate, and possessed of a considerable estate, real and personal, the greatest part of both stands mortgaged for the payment of more than the sum of sixteen hundred pounds sterling money, to Woldridge and Kelly, merchants in the kingdom of Great Britain, whose property becomes forfeited by their absence from this state;

II. Be it enacted by the General Assembly of the State of North Carolina, that it shall and may be lawful for Thomas Robeson and John Kirkwood to sell, convey, and dispose of, the estate of the deceased, for the most it will fetch, at public vendue, and to satisfy and pay the debt and interest due by said Robeson to Woldridge and Kelly into the treasury of this state, and the remainder (if any) to apply as by law directed.

CHAPTER XIX.

An Act for Dividing the Mecklenburg regiment of Militia into two separate and distinct Regiments.

I. Whereas, the great extent of said county and the uncentrical location of the court-house, renders it very inconvenient for the militia of the north east end of said county to attend court martials, and other military duties at said court-house: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that from and after the passing of this act, the companies of the following captains, to wit, captain James Barr, captain James White, captain Mathias Bever, captain John Sterns, captain William Houston, and captain William Alexander's companies, as they now stand, shall be a separate and distinct regiment, known by the name of the Mecklenburg second regiment of militia.

III. And be it further enacted, by the authority aforesaid, that said regiment, from and after the passing of this act, shall have, exercise and enjoy, all the powers and authorities that any other separate and distince regiment in this State does exercise and enjoy; any law to the contrary, notwithstanding.

IV. And be it further enacted, by the authority aforesaid, that the place for holding the general musters for said regiment shall be at the house of Captain Martin Fifer, where companies have been formerly mustered.

CHAPTER XX.

An Act to lay off and establish a town in Warren County, on the land already purchased by Commissioners, at the place fixed for setting the Court-House of said County, and for other purposes therein mentioned.

I. Whereas one hundred acres of land, at the place fixed for setting the court-house of Warren County, hath been purchased agreeable to act of Assembly passed at Halifax, the twelfth day of February, one thousand seven hundred and seventy nine, intituled, An Act for dividing Bute County into two distinct counties, and for other purposes therein mentioned; and representation being made to this Assembly, that the inhabitants of said County believe it would be greatly to their advantage, also to the benefit of traders and artificers, to have a town laid off and established by law on the aforesaid land:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a town be established on the said land, by the name of Warrenton, and that William Johnston, Philemon Hawkins, Edward Jones, John Faulcon, Adkin McLemore, and William Duke, be, and are hereby appointed and constituted commissioners and trustees, for laying out and directing the building and carrying on the said town: And the said commissioners, or a majority of them, are hereby authorized and required, immediately after the passing of this act, to set apart a lot of ground, convenient and sufficient for the court-house, prison and stocks, and also lay out one hundred other lots, each to contain one half acre, with convenient streets and squares, and the overplus of land (if any) to remain as a common for the use of said town, until by law it shall be appropriated to other uses; and that the said commissioners, or a majority of them, shall have full power, and are hereby required to make, or cause to be made, a fair plan of said town, and mark or number each lot therein, and take subscriptions for said lots of such persons as may be willing to subscribe for the same; and when the whole number of lots shall be subscribed for, the said commissioners shall appoint a day, and give public notice thereof, for drawing said lots, which shall be done by ballot, in a fair and open manner, by the direction and inspection of a majority of said commissioners, and each subscriber shall be entitled to the lot or lots drawn for him, and corresponding with the mark or number contained in the plan of said town: And the said commissioners, or a majority of them, are hereby empowered to grant good and sufficient titles in fee-simple for said lots, at the cost of the subscribers. Provided nevertheless, that every grantee, his heirs or assigns, of any lot in said town, so conveyed, shall within three years next after the conveyance erect, build and finish, on said lot, one brick, stone or well framed house, not less than twenty feet long, sixteen feet wide, and at least ten feet pitch, with a brick or stone chimney, or in proportion to such dimensions, if any grantee shall hold two or more lots adjacent; and if the owner of any lot or lots shall fail to build and finish thereon a house or houses as before described, then such lot or lots shall be forfeited; and the aforesaid commissioners or a majority of them, are hereby authorized to sell, on public notice first given, such lot or lots to the highest bidder, under the like regulations as the same was before granted, and the money arising from such sale to be applied by the trustees, or a majority of them, for the benefit and improvement of said town. Provided also, that no one person shall be permitted to subscribe for more than six lots for his own use.

III. And be further enacted by the authority aforesaid, that each respective subscriber for any lot in said town, shall at the subscribing pay fifty

dollars for each and every lot into the hands of said commissioners, or any one of them, as they shall appoint, who, after deducting such part of those monies as the county court shall adjudge a reasonable compensation for their trouble, are hereby directed and required, within three months after the lots are drawn for, to pay the remainder of all the said monies into the hands of those commissioners, who, in obedience to the Act of Assembly before mentioned, did purchase the aforesaid land, and contract with workmen to build a court house, prison and stocks, thereon; which said monies the last mentioned commissioners shall appropriate towards discharging the cost of the aforesaid land and buildings, and shall account with the court of said county for the expenditure of the same.

IV. And be it further enacted, by the authority aforesaid, that in case of refusal, death, or removal out of the county, any of the commissioners appointed by this or the aforementioned act, or the survivors of them, are hereby empowered and required to appoint, from time to time, by instruments in writing, under their hands and seals, some other person or persons, in the place of him or them so refusing, dying or removing, which said instrument shall be recorded in the court of said county; and the new commissioner or commissioners so appointed shall have the like power and authority, in all matters and things, as if him or them had been expressly named and appointed by this or the afore mentioned act.

V. Whereas the commissioners appointed by Act of Assembly to measure the boundaries of Bute county, and run a dividing line between the counties of Warren and Franklin, having run the same by a direct line from Granville line to Little Shockoe creek, near Prissella Nelm's plantation, and finding it most convenient for the lower inhabitants near the said dividing line to continue the same down the meanders of Little Shockoe and Great Shockoe creek, to Fishing creek, and down the meanders thereof to Halifax and Nash line, each county thereby having an equal quantity of land, as near as can be reasonably ascertained: And as the commissioners have caused the said dividing line to be entered on the records of each county, therefore, be it enacted by the authority aforesaid, That the aforementioned dividing line as it stands entered on the records of Warren and Franklin courts, be and remain the dividing line between the said counties; any thing contained in the aforementioned act to the contrary notwithstanding. And for the more ease of the inhabitants of the county of Warren in attending courts and other public business.

VI. Be it enacted by the authority aforesaid, That all courts after November, one thousand seven hundred and seventy nine, for the aforesaid county shall be held at the house of Thomas Christmas, until the court house shall be built sufficient to hold courts in; anything to the contrary notwithstanding.

CHAPTER XXI.

An Act to amend an Act, intituled an Act for the regulation of the Town of Hillsborough.

I. Whereas from the impossibility of procuring nails, and other materials necessary for building, and from many unavoidable circumstances intervening, owing to the present contest with Great Britain, it hath been impossible for those persons holding unimproved lots, by entry or otherwise, to compleat the necessary buildings required within the time limited by law;

II. Be it therefore enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, that from

and after the passing of this Act, all and every person holding unimproved lot or lots in the town of Hillsborough, by entry or otherwise, shall be allowed a further time of three years to compleat the necessary buildings required by law for securing titles to such lot or lots in said town; any law, usage, or custom, to the contrary, notwithstanding.

III. And be it enacted by the authority aforesaid, that each and every person holding unimproved lot or lots in the town of Hillsborough, by entry or otherwise, who shall within the term of three years limited by this act, make such improvements on the same as shall be deemed by the trustees or commissioners of the said town, or a majority of them, to be of equal value or advantage to the town as the house required by law, shall be considered a sufficient improvement to secure a title for each and every lot so improved; any law, usage, or custom, to the contrary, notwithstanding.

IV. And be it further enacted, by the authority aforesaid, that the eighth section of an act of the General Assembly, passed at Newbern on the eighth day of April, one thousand seven hundred and seventy seven, intituled, An act for the regulation of the town of Hillsborough, is hereby repealed.

V. And be it further enacted by the authority aforesaid, that so much of the above recited act, as comes within the purview of this act, is hereby repealed, and made null and void.

CHAPTER XXII.

An Act to prevent persons from stopping the Passage of Fish up Tar river and Dan river.

I. Whereas divers persons, inhabitants near Tar river and great Dan river, heretofore made a practice of stopping the passage of fish up the said rivers, by building wares, dams or hedges, across the same, whereby great damage is done to the good people resident above such wares, dams or hedges: For remedy whereof,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this act, it shall not be lawful for any person or persons whatsoever to build, erect, or cause to be built or erected, or kept up, any ware, dam, or stoppage, that is already or may hereafter be built or erected across the said rivers, unless eighteen feet in or near the middle, or in the deepest part of the said river, be left open to the bottom across the same during the term of three months, to wit, from the fifteenth day of February to the fifteenth day of May; but that all stoppages shall be so made in the said rivers as to leave eighteen feet thereof as aforesaid open and sufficient for the free passage of fish up the said rivers during the aforesaid term of three months in each and every year.

III. And be it further enacted by the authority aforesaid, that any person or persons who shall offend against this act, shall forfeit and pay for every such offence the sum of one thousand pounds, to any person or persons who shall sue for the same, to his, her or their own proper use; to be recovered before any jurisdiction that shall have cognizance thereof.

IV. And be it enacted, by the authority aforesaid, that this act shall not extend to keep open Tar river higher up the same than to Pridy or Dickenson's mill, as the said mill is not far below the head of the said river.

CHAPTER XXIII.

An Act to impower the Commissioners therein mentioned to purchase a Lot in the Town of Wilmington, to build a Gaol thereon for the District of Wilmington, and other purposes.

I. Whereas there is no lot yet procured to build a district gaol in the town of Wilmington, for the district of Wilmington: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that William Wilkinson, John Du Bois, Henry Toomer, Richard Player, and Andrew Rundelson, or a majority of them, be, and they are hereby authorized and impowered to purchase a lot of land in the said town, in the most convenient place for the purpose aforesaid.

III. And be it further enacted, by the authority aforesaid, that the said commissioners be, and they are hereby authorized and impowered, to take a title for the said lot, for and in behalf of the said district of Wilmington, to be reserved for the uses aforesaid.

CHAPTER XXIV.

An Act for prolonging the time for saving the lots in the Towns of Windsor and Wynton.

I. Whereas from many unavoidable hindrances it hath been impracticable for the proprietors and owners of lots in the towns of Windsor and Wynton to compleat the buildings on the said lots agreeable to law;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that every lot in either of the said towns, on which a house be erected and built of the dimensions in the several acts of Assembly for erecting the said towns of Windsor and Wynton into towns, or other improvements, which shall be by the commissioners, trustees or directors, or either of them, deemed and adjudged equal thereto, within the space of three years next after the passing of this act, and all and every lot in either of the said towns which shall hereafter be sold or conveyed, on which such house shall be erected and built, or other improvement made thereon equal thereto, within the space of three years from the date of the conveyance executed for the same, shall and is hereby declared to be vested in the grantee thereof, his heirs and assigns, in fee simple, any thing contained in the above mentioned act to the contrary notwithstanding.

CHAPTER XXV.

An Act for establishing an Academy in the County of Granville, for appointing Trustees, and for other purposes.

I. Whereas the proper education of youth in this state is highly necessary, and would answer the most valuable and beneficial purposes to the good people thereof; and whereas the county of Granville, from its situation both pleasant and healthy, well watered and abounding with provisions, is a fit and proper place to erect buildings for a seminary of learning; and whereas large sums of money have already been subscribed to promote and encourage such a laudable and beneficial establishment, which, together with such other

sums as may be given in donations and otherwise, will answer all the expense attending the same:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that his Excellency Richard Caswell, Esq.; Abner Nash, Esq.; Speaker of the Senate, and Thomas Benbury, Esq.; Speaker of the House of Commons, John Penn, Esq.; Reverend George Micklejohn, the Reverend Henry Patillo, Thomas Person, Edumnd Taylor, John Taylor, Memucan Hunt, Philemon Hawkins, jun., Howell Lewis, Robert Lewis, Charles Russ Eaton, John Young, and Samuel Smith, be, and are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession all monies and other personable property, as also to receive a grant in fee for all such land as shall be given in donations, with such uses and trusts as may be necessary for the purpose aforesaid.

III. And be it further enacted, by the authority aforesaid, that a majority of the said trustees shall be, and are hereby declared a board, to make choice of land, receive in donations, or purchase the same in the said county, not containing less than five hundred acres, whereon to erect the building of the academy aforesaid, which when built shall be called Granville Hall; and that a majority of said trustees shall be a board on other occasions to make all such regulations as shall be necessary for the improvement of the said academy, who are hereby vested with all the powers and authorities as the trustees of any academy in this state possess and hold, for the purposes aforesaid.

IV. And whereas a town contiguous to the said buildings would be very convenient and servicable, Be it further enacted, by the authority aforesaid, that the said majority of the trustees as aforesaid shall lay out one hundred acres of the said land into half acre lots, with proper streets and squares; and when one hundred lots are subscribed for, the same to be drawn by ballot, and any five of the said trustees shall make a deed in fee to every subscriber who shall draw a lot as aforesaid.

CHAPTER XXVI.

An Act to Prevent the Stopping of Fish from running up the Rocky and Haw Rivers.

I. Whereas divers persons, inhabitants near the said rivers, have heretofore made a practice of stopping the same, by building wares, dams or hedges, across said rivers, with design to catch fish and otherwise, whereby great injury is done to the good people resident above such wares, dams, or hedges aforesaid: For remedy whereof,

II. Be it enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the ratification of this act, it shall not be lawful for any person or persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, wares, dams, or hedges, in the said rivers, below Nathaniel Alexander's mill, on Rocky river, which stands on the trading road that leads from Salisbury to Charlotte town on Rocky River, or Richard Simpson's mill on Haw river. Provided nevertheless, it shall and may be lawful for any person or persons to keep up any mill dam or dams that is or may be erected on said rivers, provided the owner or owners of such mill dams shall either by gates or slopes, from the fifteenth of February until the fifteenth of May in each and every year, keep open twenty feet of said river by slopes or gates,

said slopes to be twenty five feet in length for every four feet in height of such dam, and so in proportion, and so fixed, that the water may be kept running not less than nine inches deep through each slope for and during the time aforesaid, said slopes and gates to be made and fixed up at the expence and cost of the owner or owners of such dam or dams; and if the owner or owners shall chose to keep open said river by gates, they shall be fixed and kept in the channel of said river for and during the time aforesaid, and the same number of feet in breadth.

III. And be it further enacted, by the authority aforesaid, that any person or persons who shall offend against this act, shall forfeit and pay for every offence the sum of five hundred pounds; to be recovered by action of debt, in any court of record in this state, one half to him or them that will sue for the same, the other half to go to the use of the county where the offence may be committed, to lessen the county tax.

CHAPTER XXVII.

An Act to establish a road from James McDaniel's, in Pasquotank County, to the Widow White's, in Periquimons County, and granting a toll on the same.

I. Whereas a representation hath been made by a number of petitioners of the Counties of Pasquotank and Periquimons, that a road, bridge or causeway, leading from or near James McDaniel's, in the upper part of Pasquotank county, through the great Dismal swamp, to Perquimons county, to join a road in Perquimons county passing from the upper bridge of Perquimons river by the widow White's, would be of great convenience to the inhabitants of said counties, and other persons having occasion to travel in that part of the country; and whereas Gideon Lamb has proposed to make such road, bridge or causeway, in a proper and sufficient manner, at his own expence, and to maintain it in effectual repair during his interest therein, if he can be ascertained of receiving an adequate compensation and encouragement for the same;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said Gideon Lamb, his heirs or assigns, may proceed to make or cause to be made, such road, bridge or causeway; and if he, or any of them, shall within the term of five years from the passing of this act, make or cause to be made, such road, bridge or causeway, so as to answer the purpose of effecting a safe and convenient passage to all travellers having occasion to pass along the same, their horses, carriages, cattle, sheep or hogs, that in such case it shall and may be lawful for the said Gideon Lamb to erect and keep a sufficient gate on any part of the said road, bridge or causeway, and demand and receive for the passage of all and every person or persons, with a horse or horses, carriage or carriages, or any number of cattle, sheep or hogs (foot passengers only excepted) half the rates that are or may, from time to time, be by the Court of Chowan County allowed for the passage of the same over the ferry from Edenton to Duckinfield; and that the said Gideon Lamb, his heirs or assigns, may lawfully prevent any person or persons passing over the same as aforesaid, without payment of the said rates.

III. And be it further enacted, by the authority aforesaid, that all militia or continental troops, with their carriages and horses, when embodied and in actual service, shall pass and repass over said bridge toll free.

IV. Provided that Jonathan Herring, Joshua Campbell, Caleb Cowen,

Joseph Stockly, Thomas Newby, Josiah Granberry and Charles Herring, are hereby authorized and appointed to inspect and judge whether the said road, bridge or causeway, be properly made by the said Gideon Lamb, his heirs or assigns; and upon the certificate of them, or a majority of them, returned to the county court of Pasquotank or Perquimons, certifying that the said road, bridge or causeway, is properly made, so as to answer the purposes and intentions of this act, if it be within the term of five years as aforesaid, then the right of receiving the said rates as above mentioned shall commence, and be vested in the said Gideon Lamb, his heirs and assigns.

V. And be it further enacted, by the authority aforesaid, that the right of receiving the rates aforesaid, upon the conditions above mentioned, shall continue in the said Gideon Lamb, his heirs and assigns, for ever.

VI. And be it further enacted, by the authority aforesaid, that during the time the said bridge or causeway shall be kept in sufficient repair, and fit for travellers and carriages to pass and repass the same, it shall not be lawful for any person or persons whatsoever to build any bridge or causeway, or set any person or persons, carriage or carriages, cattle, hogs or sheep, over the said swamp for fee or reward, within six miles of the said bridge or causeway, during the time aforesaid, under the penalty of fifty pounds current money for each and every offense; to be recovered by the said Gideon Lamb, his heirs or assigns, in any court of record in the said state, to be applied to the use of the proprietor of the bridge or causeway built by the said Gideon Lamb; and during the said time, the right and property of the said bridge or causeway is hereby invested in the said Gideon Lamb, his heirs, executors, administrators, or assigns.

VII. And be it further enacted, by the authority aforesaid, that if any person shall sustain any damage or injury in crossing the said bridge or causeway, owing to its insufficiency, he, she or they, so sustaining damage, shall have a right of action and recovery of the proprietor of the bridge or causeway.

CHAPTER XXVIII.

An Act to appoint Commissioners for fixing on a place within the County of Montgomery to build a Court House, Prison and Stocks, and other purposes therein mentioned.

I. Whereas by an act of Assembly, passed at Halifax in January, one thousand seven hundred and seventy nine, the county of Anson was divided, and a new county erected by the name of Montgomery county, and by the said act commissioners were appointed to choose out and fix on a certain place within the said county to erect and build a court house, prison and stocks, and by either an omission of the clerk of the Assembly, or the printer of the said Act, one of the commissioners was omitted and left out of the said law, by which means the said commissioners could not lawfully act, as a majority of them either neglected or refused serving: Therefore,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that James Roper, James Allen, Cornelius Robeson, Samuel Person, and John Collier, of Randolph county, or a majority of them, are appointed commissioners, and they are hereby impowered and directed to agree and contract for fifty acres of land and also to agree and contract with workmen for building a court house, prison and stocks, for the use of the said county of Montgomery, thereon, at such place as they, or a majority of them, shall

choose or fix the same, at the most convenient place to the centre of the said County, and that they have power to employ the County Surveyor, at the expense of the said County, to run out the same, and find the centre thereof.

III. And be it further enacted, by the authority aforesaid, that the part or clause of the afore mentioned act of Assembly, whereby commissioners were formerly appointed to choose out a place for the public buildings of the said County of Montgomery, is hereby repealed, and made null and void.

IV. And whereas by an act, intituled, An act for erecting a prison in the town of Edenton, for the use of the district of Edenton, and other purposes, passed at Halifax the nineteenth day of January, one thousand seven hundred and seventy nine, it is enacted, that the courts of the new counties made that General Assembly should at their sessions held after the first day of April, one thousand seven hundred and seventy nine, choose a clerk, sheriff, entry taker, and surveyor; and whereas the county court of Randolph did, through mistake, proceed to the choice of such officers at the court next before the first day of April as aforesaid; Be it therefore enacted, by the authority aforesaid, that the said appointment of officers for the county of Randolph, to wit, Absalom Tatom, clerk, William Bell, sheriff, William Cole, entry taker, and John Collier, surveyor, is hereby deemed valid and good, as if the same had been agreeable to the before recited act; any thing therein contained to the contrary notwithstanding.

CHAPTER XXIX.

An Act for securing the rights of such persons in the County of Washington as lie between the river Holstein and the line lately run by the Commissioners of this State and the State of Virginia, as the dividing line between the said States; and for dividing the said County of Washington into two distinct Counties, and for other purposes.

I. Whereas the boundary line between this state and the state of Virginia hath never, until lately, been extended by actual survey further than to that part of Holstein river that lies directly due west from a place well known by the name of Steep Rock, and all the lands westward of the said place, lying on the north or north west side of the said river Holstein, hath, by mistake of the settlers in that part of the country, been held and deemed to be in the state of Virginia, owing to which mistake, the said settlers hath failed to repair to the proper offices to enter and secure their respective lands and improvements by the time required by law, in order to their having the preference of entry: And whereas by the line lately run by the said commissioners of Virginia and this state, it appears that great numbers of good subjects have fallen into this state, who were before reputed to be in Virginia, and it is suggested that sundry persons have thereupon suddenly entered the lands and improvements of the said settlers: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said settlers and inhabitants, lying between the river Holstein and the boundary line lately run between Virginia and this state, shall have a further time of preference to all others allowed for entering their respective lands, plantations and improvements, until the first day of May next ensuing; and that all entries made or which shall be made, by any person or persons whatsoever, for the improvements, plantations, or claims of others, where they have at any time before the said first day of May been actually settled, and all

proceedings thereon shall be null and void, any law to the contrary notwithstanding.

III. And whereas by the great extent of the said county of Washington, and the great number of inhabitants therein, it becomes highly necessary that the said county should be divided into two distinct and separate counties, by a line beginning at the Steep Rock; thence running along the dividing ridge that divides the waters of the Great Canawee and Tenesee, to the head of Indian creek; thence along the ridge that divides the waters of Holstein and Wataga, to the mouth of Wataga; thence a direct line, to the highest part of the Chimney Top mountain, at the Indian boundary: And that all that part of said county of Washington which lies northwardly of said dividing line, shall be erected into a new and distinct county, by the name of Sullivan County; and that all that other part of said County which lies southwardly of said dividing line, shall continue and remain a distinct county, by the name of Washington.

IV. And for the due administration of justice, Be it enacted, by the authority aforesaid, that a court for the county of Sullivan shall be constantly held by the justices thereof on the third Mondays in February, May, August, and November; and the justices for said county are hereby authorized and impowered to hold the first court for their county at Moses Luney's, on the first Monday in February next, and all subsequent courts on the days above appointed for holding courts therein, at any place to which said justices shall from court to court adjourn themselves, until a court house shall be built for said county; and then all causes, matters and things, depending in said Court, and all manner of process returnable thereto shall be adjourned to such court-house; and all courts held in and for the county of Sullivan, shall be held by commission to the Justices thereof, in the same manner and under the same rules and restrictions, and with the like powers and jurisdiction, as courts for the other counties in this state.

V. And be it further enacted, that nothing herein contained shall be construed to debar the late or present sheriff or collector of Washington county to make distress for any taxes, fees or other dues, now actually due and owing, or which shall be due on the first day of January next, in the same manner as by law the said sheriffs or collectors might or could have done, if this act had not been made.

VI. And be it further enacted, by the authority aforesaid, that from and after the passing of this act, the said county of Sullivan shall be considered as part of the district of the superior court of law usually held for the district of Salisbury; and the county treasurers thereof shall, from time to time, account for and pay to the public treasurer of Salisbury district, all public monies by him collected, or wherewith he shall stand chargeable, in the same manner, and under the like pains and penalties, as other county treasurers.

VII. And be it further enacted by the authority aforesaid, that John Sevier, John Chessum, and Isaac Shelby, be and they are hereby appointed commissioners to run the said dividing lines between the counties of Washington and Sullivan, agreeable to the directions of this act; which said lines, when run by the commissioners, or a majority of them, shall be entered on record in the court of each of the said counties of Washington and Sullivan, and shall thereafter be held and deemed the dividing line of said counties.

VIII. And for reimbursing the said commissioners the money they shall expend in running the dividing lines between said counties, Be it enacted by the authority aforesaid, that a tax of six pence on every hundred pounds value of assessable property, and a poll tax of two shillings on every person

within said counties of Washington and Sullivan, not possessed of one hundred pounds taxable property, shall be levied on the inhabitants of said counties for the year seventeen hundred and eighty, and all persons who shall refuse or neglect to pay the said tax at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; and the collectors of said counties are hereby required and directed to pay the monies by them so collected to the commissioners aforesaid, after deducting their lawful commissions for collecting the same; and in case of failure or neglect, such collector so failing or neglecting, shall be liable to the same penalties and recoveries as by law may be had against collectors of public taxes in like cases.

IX. And be it further enacted by the authority aforesaid, that said commissioners shall account for the monies by them so received with the court of their county whenever called on, and shall be entitled to receive and apply to their own use so much thereof as said court shall think an adequate compensation for their trouble and expence; and the surplus, if any, shall in proportion to the respective sums collected be divided between the counties of Washington and Sullivan, and applied towards defraying the contingencies of said counties.

X. And be it further enacted, by the authority aforesaid, that all manner of suits, causes, pleas, and every species of controversy and litigation whatever, now commenced and depending in the county court of Washington, shall be proceeded on in said court to a final end and determination.

XI. And be it further enacted, that where any inhabitant of Sullivan county, hereby erected, already hath or shall make an entry for lands with the entry taker of Washington county, for which no warrant of survey shall be executed by the first day of January next, the entry taker for said county is hereby required to make out and direct the warrants for such surveys to the proper surveyor of Sullivan county.

XII. And be it also enacted, that for the future the county of Washington shall nominate only three freeholders to serve as jurors at the superior court for the district of Salisbury, and the county of Sullivan two freeholders to serve as jurors at said court; and the said county of Sullivan is hereby declared to be intitled to the like privileges and immunities as the other counties in this state.

XIII. And be it further enacted, by the authority aforesaid, that the commissioners herein appointed shall, jointly with Charles McDowall, extend the dividing line between the counties of Burke and Washington.

XIV. And to defray the expence thereof, Be it further enacted, by the authority aforesaid, that a poll tax of one shilling on every person in the said county of Burke not possessed of one hundred pounds taxable property, and a tax of three pence on every hundred pounds taxable property in said county, shall be levied on the inhabitants of said county for the year one thousand seven hundred and eighty, to be collected as the taxes in the Counties of Washington and Sullivan are directed to be collected; and the surplus, if any, shall be applied towards defraying the contingencies of the said county of Burke.

CHAPTER XXX.

An Act to lay off and establish a Town in Franklin County, on the land already purchased by Commissioners, at the place fixed for setting the Court House of said County, and for other purposes therein mentioned.

I. Whereas one hundred acres of land, at the place fixed for setting the court house of Franklin County, hath been purchased agreeable to Act of Assembly, passed at Halifax the twelfth day of February, one thousand seven hundred and seventy nine, intituled, An act for dividing Bute county into two distinct counties, and for other purposes therein mentioned; and representation being made to this assembly, that the inhabitants of said county believe it would be greatly to their advantage, as also to the benefit of traders and artificers, to have a town laid off and established by law on the aforesaid land:

II. Be it therefore enacted by the General Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that a town be established on the said land, by the name of Lewisburg, and that Osborn Jeffreys, William Green, William Hill, William Brickell, and John Hunt, be, and are hereby appointed and constituted commissioners and trustees, for laying out and directing the building and carrying on the said town: And the said commissioners, or a majority of them, are hereby authorized and required, immediately after the passing of this act, to set apart a lot of ground, convenient and sufficient for the court-house, prison and stocks, and also lay out one hundred other lots, each lot to contain one half acre, with convenient streets and squares, and the overplus of land (if any) to remain as a common for the use of said town, until by law it shall be appropriated to other uses; and that the said commissioners, or a majority of them, shall have full power, and are hereby required to make, or cause to be made, a fair plan of said town, and number each lot therein, and take subscriptions for said lots of such persons as shall be willing to subscribe for the same; and when the whole number of lots shall be subscribed for, the said commissioners shall appoint a day, and give public notice thereof, for drawing said lots, which shall be done in a fair and open manner, by the direction and inspection of a majority of said commissioners, and each subscriber shall be entitled to the lot or lots drawn for him, and corresponding with the number contained in the plan of said town: And the said commissioners, or a majority of them are hereby impowered to grant good and sufficient titles in fee simple for said lots, at the cost of the subscribers. Provided nevertheless, that every grantee, his heirs or assigns, of any lot in said town, so conveyed, shall within four years next after the conveyance erect, build and finish, on the said lot, one brick, stone, or well framed house, not less than fifteen feet square, and at least ten feet pitch, with a brick or stone chimney, or in proportion to such dimensions, if any grantee shall hold two or more lots adjacent; and if the owner of any lot or lots shall fail to build and finish thereon a house or houses as before described, then such lot or lots shall be forfeited; and the aforesaid commissioners, or a majority of them, are hereby authorized to sell, on public notice first given, such lot or lots to the highest bidder, under the like regulations as the same was before granted, and the money arising from such sale to be applied by the trustees, or a majority of them, for the benefit and improvement of the said town. Provided that no one person shall be permitted to subscribe for more than six lots for his own use.

III. And be it further enacted, by the authority aforesaid, that each respective subscriber for any lot in said town, shall at the subscribing pay forty

dollars for each and every lot into the hands of said commissioners, or any one of them, as they shall appoint, who, after deducting such part of those monies as the County Court shall adjudge a reasonable compensation for their trouble, are hereby directed and required, within three months after the lots are drawn for, to pay the remainder of the said monies into the hands of those commissioners, who, in obedience to the act of assembly before mentioned, did purchase the aforesaid land, and contract with workmen to build a court-house, prison and stocks, thereon; which said monies the last mentioned commissioners shall appropriate towards discharging the cost of the aforesaid land and buildings, and shall account with the court of said county for the expenditure of the same.

IV. And be it further enacted, by the authority aforesaid, that in case of refusal, death, or removal out of the county, of any of the commissioners appointed by this or the aforementioned act, the survivors of them are hereby impowered and required to appoint, from time to time, by instruments of writing, under their hands and seals, some other person or persons, in the place of him or them so refusing, dying or removing, which said instrument shall be recorded in the court of said county; and the new commissioner or commissioners so appointed shall have the like power and authority, in all matters and things, as if him or them had been expressly named and appointed by this or the aforementioned act, anything to the contrary notwithstanding.

CHAPTER XXXI.

An Act for Laying a Tax to Defray the Expense of the Public Building in the County of Nash.

I. Whereas the tax heretofore laid on the inhabitants of Nash county by Act of Assembly, for the purposes of defraying the expence of the public buildings of the said county, hath not been all collected, and is not sufficient to compleat the public buildings of the said county;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a tax of three shillings per hundred pounds be laid on all the taxable property which is liable to be assessed in the said county of Nash, and all taxable persons in the said county who are not possessed of one hundred pounds value, shall pay the sum of eight shillings, for two years, that is to say, for the year one thousand seven hundred and eighty, and for the year one thousand seven hundred and eighty one, and that the same shall be collected by the same persons, and in the same manner, as the public tax in the said county; the tax, when collected, shall be paid into the hands of the commissioners heretofore appointed by act of Assembly for fixing the court-house and erecting the public buildings in the said county of Nash; and on non-payment of the tax to be collected by virtue of this act from the collector or collectors, shall be liable to the same penalties as for other public taxes; and the said commissioners shall be intituled to the same mode of recovery against the said collectors, as the public treasurers are intitled to have against them on non-payment of public taxes.

III. And be it further enacted, by the authority aforesaid, that if the abovesaid tax is more than sufficient to defray the expence of the public buildings, the remainder shall be applied to defray the contingencies of the said county; and if the above said tax is not sufficient to defray the expence as aforesaid, it shall be paid out of the county tax.

IV. And whereas Edward Clinch, one of the commissioners heretofore appointed by Act of Assembly for fixing place for erecting the public buildings in the said county, is deceased; Be it therefore enacted, by the authority aforesaid, that Edward Moore, Esquire, shall be commissioned in the room of Edward Clinch, deceased.

CHAPTER XXXII.

An Act to confirm the Titles of lands to sundry of the Inhabitants of Duplin County.

I. Whereas sundry of the inhabitants within the county of Duplin have settled upon a certain tract of land in the said county, and have for twenty years past obtained patents for the same. And whereas a claim has been set up for part of said land by a certain Thomas Christie, of the kingdom of Ireland, and thereby said lands may be considered to come within the meaning of the confiscation act, to the great prejudice of the owners thereof;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that all such patents that have been granted and obtained before the declaration of independence by the United States shall be, and are hereby declared to be good and valid, to all intents and purposes; and the said owners and proprietors of the said patents shall have, hold, use, exercise and enjoy, all and singular the said lands contained within the said patents, in as full and ample a manner, as if the said land had never been claimed by said Thomas Christie; any law, usage or custom, to the contrary, notwithstanding.

CHAPTER XXXIII.

An Act to Establish a town in the County of Surry, heretofore laid out on the lands of John Armstrong and William Sheppard, at the Court House of said County, and for other purposes.

I. Whereas the establishment of a town, heretofore laid out at the courthouse in Surry county, agreeable to a plan thereof made by Col. Martin Armstrong, upon the lands aforesaid, would be very beneficial to the western inhabitants of this state, by promoting an inland trade:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that one hundred acres of land, the property of said Armstrong and Sheppard, be laid off and established by the name of Richmond, and that Martin Armstrong, Samuel Cummings, John Sneed, Malcolm Curry, and Job Martin, from and after the passing of this act, be, and are hereby appointed and constituted commissioners and trustees for laying out, building, and regulating the said town; and they, or a majority of them, so soon as may be after the passing of this act, shall cause the said land to be laid out into lots of one hundred and forty four square poles each with convenient squares and streets, according to the plan thereof made heretofore as aforesaid, and shall have full power to convey the same, and grant a title to the said lots in fee simple, to any person who have been or shall become a purchaser thereof, upon his performing the requisites in this act herein after required: And every grantee, his heirs or assigns, of any lot in the said town, shall within five

years next after the date of the conveyance of the same erect, build and finish, on the said lot, one brick, stone, or well framed house, of the dimensions of twenty feet long and sixteen feet wide, and ten feet pitch in the clear at least, with one good brick or stone chimney; and if the owner of any lot shall fail to comply with the directions herein prescribed for finishing a house thereon, then such lot upon which such house shall not be built and finished as aforesaid, shall be vested in the said commissioners or trustees, and they, or a majority of them, shall, and are hereby authorized to sell, on public notice first given, such lot to the highest bidder, to whom shall be granted and conveyed such lot, under the like regulations and restrictions as the same was before granted; and the money arising from such sale shall be applied by the trustees aforesaid, or a majority of them, for the benefit and improvement of the said town.

III. And be it further enacted, that each respective purchaser of any lot in the said town shall, previous to the receiving of a grant for any lot by them purchased, pay into the hands of the proprietors of said land the sum of twenty pounds, at the time that the said proprietor shall relinquish his title to the same, and also twenty shillings per lot to the said commissioners, for defraying the contingent charges for their laying off said town according to this Act.

IV. And be it further enacted, by the authority aforesaid, that in case of the death, refusal to act, or removal out of the said county of any of the commissioners, the surviving commissioners and trustees, or a majority of them, shall, and are hereby impowered to appoint, from time to time, by instrument in writing under their hands and seals, some other person, being a freeholder in the said town and county, in the place of him so refusing to act, dying or removing out of the said county, which said instrument of writing shall be recorded in the county court, and registered in the register's office; which new trustee so appointed, shall thenceforth have the like power and authority in all matters and things herein contained, as if he had been expressly mentioned in this act.

V. And be it further enacted, by the authority aforesaid, that all and every person or persons who have heretofore purchased any lot or lots in the said town from the said John Armstrong and William Sheppard, and have paid for the same, or their heirs or assigns, shall be entitled to receive, and to obtain from the commissioners aforesaid, a deed for such lot or lots, in preference of all persons whatsoever.

VI. And whereas the present allowance to gaolers for victualling prisoners is far inadequate to their expence and trouble, owing to the rapid rise of every article of provisions: Be it therefore enacted, by the authority aforesaid, that from and after the passing of this Act each and every gaoler in this State shall be entitled to receive the sum of twenty four shillings per day for each person he may have in his gaol or custody; any law to the contrary, notwithstanding.

VII. And be it further enacted, by the authority aforesaid, that all and every Act which comes within the purview and meaning of this act, is hereby repealed, and made null and void, to all intents and purposes.

CHAPTER XXXIV.

An Act for building a Court-House in Elizabeth Town, in the County of Bladen.

I. Whereas the Commissioners heretofore appointed by an Act of Assembly, passed at Newbern one thousand seven hundred and seventy eight, for building a court house in said town, have refused to act;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Thomas Brown, Thomas Owen, and James Clardy, be and are hereby appointed Commissioners for the purpose aforesaid, and that they, or a majority of them, are hereby authorized and empowered to agree and contract with workmen for building a court house for the use of said county, on a lot in Elizabeth Town laid off for that purpose; and if any of the commissioners appointed by this Act should die, remove out of the County, or refuse to act, the remaining commissioners shall appoint another commissioner or commissioners in the room or stead of such commissioner or commissioners so removing, dying, or refusing to act; and the commissioners so appointed shall have the same powers as the commissioners appointed by this Act.

III. And be it further enacted, by the authority aforesaid, that the said commissioners herein named, or a majority of them, shall have full power and authority to demand, sue for, recover and receive, off and from the late sheriffs and commissioners of said county, or any other person in whose hands the same may be, all and every sum or sums which has been laid as a tax or taxes on the inhabitants for the purpose aforesaid, and other public buildings, for which the sheriff or other person, or any of them, are liable; and in case of failure or neglect in paying the said money to the commissioners herein named by the said sheriff or other person, or any of them, he or they so failing or neglecting shall be liable to the same penalties, and the same mode of recovery may be had against him or them as by law should or might have been had against sheriffs who neglect or refuse to account for and pay public taxes.

IV. And be it further enacted, by the authority aforesaid, that an act intituled, An act for building a court-house in Elizabeth town, in the county of Bladen, passed at Newbern one thousand seven hundred and seventy eight, be, and is hereby repealed.

CHAPTER XXXV.

An Act for erecting a town on the lands of Thomas Hunter, at Squhawky, in Martin County.

I. Whereas it hath been represented to this Assembly that the land of Thomas Hunter, on the south side of Roanoke river known by the name of Squhawky, in Martin county, is a healthy pleasant situation and very conveniently situated for trade and commerce, and the said Thomas Hunter having signified his consent to have seventy-eight acres of the land laid off for a town, which will greatly promote the trade and navigation of the said river.

II. Be it enacted by the general Assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the said seventy-eight acres of land, beginning at the north side of a branch, thence running north, fifty nine degrees west, eighty seven poles, to a stake, thence north, fifty five degrees east, one hundred and eighty poles, to a red oak, then south, fifty degrees east, thirty eight poles, into the aforesaid branch, then

up the various courses of the said branch to the first station, laid off in lots and streets according to a plan before this assembly, be and the same is hereby constituted and established a town, and shall be called by the name of Williamston.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this act, Samuel Williams, Thomas Hunter, Samuel Smithwick, William Slade, Edward Smithwick and John Griffin, gentlemen, be, and they and every of them are hereby constituted commissioners and trustees for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate, in fee simple, in the said seventy eight acres of land as aforesaid, to and for the uses, intents and purposes, hereby declared; and the said commissioners, or any three of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on Roanoke river, adjoining the said town for a public landing, as they shall think convenient and necessary. And whereas subscriptions have been made for the greatest part of the lots in the said town,

IV. Be it enacted by the authority aforesaid, That the said commissioners, or a majority of them, shall appoint a time, and give public notice thereof, for meeting the subscribers of the said land for determining the property of each particular lot, which shall be drawn by ballot, in a fair manner, by direction and in the presence of a majority of the said commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the said town; and the said commissioners, or a majority of them, shall make and execute deeds for the granting and conveying the said lots contained in the said town to the respective subscribers, for the same, their heirs and assigns for ever, and also to all and every person and persons who shall purchase any other lot or lots in the said town, at the proper cost and charges of the said grantee or grantees to whom the same shall be conveyed; and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.

V. Provided nevertheless, That the grantee or grantees of any lot or lots in the said town so conveyed, shall within five years next after the date of the conveyance for the same, erect, build and finish, on each lot so conveyed, one well framed or brick house, fourteen feet square at the least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee or grantees shall have two or more lots contiguous, or shall make any other improvements on the said lot or lots which the said commissioners shall judge equivalent thereto: And if the owner of any lot or lots in the said town shall fail to pursue the directions by this act prescribed for building and finishing a house, or making some other improvement thereon, as aforesaid, then such lot or lots upon which such house shall not be built and finished, or such improvement not made, shall be revested in the said commissioners, and the said commissioners, or the majority of them may, and are hereby empowered and authorized, to sell such lots for the best price that may be had, to any other person or persons applying for the same, in such manner, and under such restrictions, as they could or might have done, if such lot had not before been sold or granted.

VI. And be it further enacted, by the authority aforesaid, that the respective subscribers for the said lots shall within three months after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said commissioners the sum of

forty pounds for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same, in their own names, and therein shall recover judgment, with cost.

VII. And be it further enacted, that all monies that shall arise from or by the disposal of such lot as may not be built on or improved agreeable to the directions of this act, within the time therein limited for that purpose, shall be paid to the said commissioners, or their successors, and by them applied to the use of the said town, for clearing the streets, erecting such public buildings, or making such other improvements in the said town, as the said commissioners, or a majority of them, shall think necessary.

VIII. And for continuing the succession of the said commissioners, Be it enacted, that in case of death, refusal to act, or removal out of the country, of any of the said commissioners, the surviving or other commissioners, or the majority of them shall assemble, and shall from time to time, by an instrument in writing under their respective hands and seals, nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the country; which new commissioner so nominated and appointed, shall from thenceforth have the same power and authority in all things concerning the matters herein contained, as if he had been expressly nominated and appointed by this act.

CHAPTER XXXVI.

An Act to Establish and Lay Out a Town in Washington County.

I. Whereas one hundred acres of land at the place fixed for erecting the court house and public buildings of Washington county hath already been purchased by the commissioners appointed by law to affix the court house of Washington county for the purpose of erecting a town thereon, and representation being made to this present general assembly that the inhabitants of said county would be greatly benefitted thereby, also to traders and artificers to have a town laid off and established by law on said land:

II. Be it therefore enacted by the general assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a town be established on the land purchased for the use of the County of Washington by the name of Jonesborough, and that John Woods, Jesse Walton, George Russell, James Stuart and Benjamin Clark, be commissioners to lay out and direct the buildings of the said town of Jonesborough; and that the commissioners, or a majority of them, as soon as may be after the passing of this act, do set apart a lot of ground convenient and sufficient for the public buildings in said town, and also lay out fifty other lots to contain one acre each, with convenient squares and streets, and the overplus of said land, if any, to remain as common to the use of the said town until it shall by law be appropriated to other use; and that the said commissioners, or a majority of them, shall have full power, and are hereby required to make or cause to be made, a fair plan of said town, and number the lots, and take subscriptions for said lots of such persons as may be willing to subscribe for the same, and when the whole number of lots shall be subscribed for, the commissioners aforesaid shall give public notice and appoint a day for drawing said lots, which shall be done by ballot in a fair and open manner by the direction and inspection of a majority of said commissioners, and each subscriber shall be entitled to the lot or lots drawn for him corresponding with the number contained in the plan of said town, and the said commissioners,

or a majority of them are hereby empowered to grant good and sufficient titles in fee simple for the said lots at the cost of the subscribers. Provided, nevertheless, every grantee, his heirs, or assigns, of any lot in the said town so conveyed, shall within three years after such conveyance, erect, build and finish, on the said lot, one brick, stone or well framed house, twenty feet long and sixteen feet wide, and at least ten feet in the pitch, with a brick or stone chimney, or in proportion to such dimensions, if any person shall hold two or more lots adjacent, and if the owner of any lot or lots shall fail to build and finish thereon as before described, then such lot or lots, shall be forfeited, and the aforesaid commissioners, or a majority of them, are hereby authorized to sell (on public notice first given) such lot or lots to the highest bidder under the like regulations as the same was before granted, and the money arising therefrom shall be applied by the commissioners, or a majority of them, for the benefit and improvement of said town.

III. And be it further enacted by the authority aforesaid, That each respective subscriber for any lot in the said town shall, at the subscribing for the said lots, pay seventy five dollars for each and every lot into the hands of the said commissioners, or any one of them as they shall appoint, who after deducting such part of those monies as the court shall adjudge a reasonable compensation for their troubles, are hereby directed and required within three months after the lots are drawn for, to pay the remainder of all said monies into the hands of the aforesaid commissioners, who shall account with their respective county court, who shall apply all the aforesaid money towards defraying the county contingent tax.

CHAPTER XXXVII.

An Act to vest the property of a bridge lately built by Samuel Ruffin, deceased, over Great-Contentney Creek, in Etheldred Ruffin, his heirs or assigns for twenty years.

I. Whereas representation hath been made to the general assembly, that Samuel Ruffin, late of Edgecomb county, deceased, did at a considerable expense, erect and finish a good and substantial bridge across Contentney Creek at a place generally known by the name of Peacocks bridge, with a view of reimbursing himself therefor by receiving the then accustomed toll from travellers and others, which an Act of the General Assembly since passed, has prevented; much to the injury of the said Ruffin;

II. Be it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act it shall and may be lawful for Etheldred Ruffin, heir to the said Samuel, his heirs or assigns, to receive from all travellers and others passing the said bridge, the respective sums which shall from time to time be allowed by the court of Dobbs for travellers and others passing ferries in said County, and to keep a gate on said bridge. Provided nevertheless, That all persons, carriages, &c. when in actual military service of this or the United States, or expresses for the same, shall pass said bridge toll free, such persons making it appear to the owner of the said bridge they are in the service abovementioned.

III. And be it further enacted by the authority of the same, That during the time the bridge shall be kept up and in repair, fit for travellers and carriages to pass and repass the same, it shall not be lawful for any person whatsoever to keep any ferry, build any bridge, or set any person or persons, carriage or carriages, cattle, hogs or sheep, over the said creek, for fee or

reward, within five miles of said bridge during the time aforesaid, under the penalty of two pounds, to be recovered by the owner of said bridge, before any jurisdiction having cognizance thereof, and applied to his or their own use during the said time the right and property of the said bridge is hereby invested in the said Etheldred Ruffin, his heirs and assigns.

IV. And be it further enacted, That an act of the general assembly passed at Newbern the second day of May, 1778, intituled, an act for appointing commissioners to build a bridge across Contentney creek, and for other purposes, be and the same is hereby repealed, and made null and void.

V. Be it further enacted, That the said Etheldred Ruffin, his heirs or assigns, shall not, during the said time, fall or cause to be fallen any tree in the ford at or near where the said bridge now stands, or otherwise stop or obstruct the same, so as to prevent travellers and others fording the creek thereat, under the penalty of one hundred pounds for each and every offense, to be recovered by any person who shall sue for the same, before any jurisdiction having cognizance thereof, and applied to his or their own use.

VI. And be it further enacted, That this act shall continue and be in force for and during the term of twenty years, and from thence to the end of the next session of assembly, and no longer.

CHAPTER XXXVIII.

An Act for granting a free pardon to Charles Shearing, now under sentence of Death

I. Whereas Charles Shearing, lately an inhabitant of Chatham county, was convicted at the superior court of the district of Hillsborough, in October term instant for feloniously stealing a horse, for which he was condemned to die; and whereas full and sufficient testimony has appeared to this assembly that the said Charles Shearing has heretofore behaved himself as a good and faithful subject, and a recommendation of mercy in favor of the said Charles Shearing being presented to this assembly by the judges of the said Superior Court for the District of Hillsborough.

II. Be it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the said Charles Shearing be, and he is hereby freely and fully forever pardoned of the crime for which he was so convicted and sentenced to die; and that he be discharged from all further confinement touching the said condemnation, on paying the lawful fees.

CHAPTER XXXIX.

An Act for annexing part of Carteret to Jones, and other purposes.

I. Whereas the upper part of Carteret which lies adjoining Jones County is much more convenient to the public buildings of said county than to those of Carteret:

II. Be it therefore enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That all that part of the said County of Carteret beginning in Jones county line in the head of Black Swamp, thence running down the meanders of said swamp to White Oak River, then up the various courses of said river to the head, thence a direct line to Jones county line, that all that part on the north side of said White Oak river and west of the aforesaid swamp shall, from and after the

passing of this act, be held and deemed part of the county of Jones, and the inhabitants thereof shall be under the same rules and restrictions as the other inhabitants of Jones county are. Provided nevertheless, that nothing herein contained shall be construed to debar any sheriff, collector or tax-gatherer, from collecting his or their taxes in the same manner as if this act had never been made.

III. And whereas some of the inhabitants of Carteret county, which by this act is annexed to Jones, may have entered land in the entry office of Carteret: Be it therefore enacted by the authority aforesaid, That where any persons shall have entered land as aforesaid, the entry taker of the county of Carteret is hereby empowered and directed to make out warrants and orders of survey and direct them to the surveyor of Jones county, which said surveyor is hereby ordered and impowered to survey said land, take the same fees, and make the same transmittance thereof, as if the same had been entered in the entry office of Jons.

IV. And whereas the time at present appointed for holding the county court of pleas and quarter sessions for the county of Jones have in many instances and respects been found inconvenient: Be it therefore enacted by the authority aforesaid, That from and after the passing of this act, the said County Courts of Jones shall be hereafter held constantly on the fourth Mondays in March, June, September and December, in each and every year, and all proceedings now depending in the County Court of Jones undetermined, or returnable to the said Court on the third Monday of December next, shall be returnable to the fourth Monday in December next, and shall be deemed legal and sufficient to all intents and purposes in the same manner as if they had been returned on the third Monday in December next; and the sheriff of Jones county is hereby directed to advertise at every public place in the county of Jones, immediately after the passing of this act, to notify the persons summoned as jurymen and witnesses to attend on the fourth Monday of December next instead of the third Monday, and shall be deemed legal and sufficient to all intents and purposes, any law, usage or custom, to the contrary notwithstanding.

CHAPTER XL.

An Act to prevent the stopping of Fish in the Uharie River.

I. Whereas divers persons inhabitants near the said river have heretofore made a practice of stopping the same by building wares, dams or hedges, with design to catch fish, whereby great injury is done to the good people resident above such wares, dams or hedges aforesaid: For remedy whereof,

II. Be it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this act, it shall not be lawful for any person or persons whatsoever to build or erect, or cause to be built or erected, or keep up any that is already erected, any ware, dam or hedge, in the said river, so as to extend more than two thirds across the same, but that all stoppages shall be so made in the said river as to leave one third part open and free for the passage of fish.

III. And be it further enacted by the authority aforesaid, That any person or persons who shall offend against this act, shall forfeit and pay for every such offense, the sum of one thousand pounds, to be recovered by action of debt by any person who shall sue for the same to his, her or their own proper use.

CHAPTER XLI.

An Act to enable John Norwood, surviving executor of the last Will and Testament of Henry Bradley, deceased, to sell and convey the land of the said deceased.

I. Whereas Henry Bradley, deceased, (of Halifax county) in the year one thousand seven hundred and sixty four, did appoint John Norwood and Jennings Hackney executors of his last will and testament, and did invest the said executors with power jointly to sell and convey his lands, and by his said will direct the manner and uses to which the money arising by such sale should be appropriated; and whereas Jennings Hackney, one of the said executors did decease before the aforesaid lands were sold, which circumstance makes it doubtful whether the surviving executor has legal power to sell and convey the aforesaid lands: Therefore,

II. Be it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that John Norwood, surviving executor of the last will and testament of Henry Bradley, deceased, be, and is hereby authorized and empowered to enter upon, sell and convey, the lands of the aforesaid deceased, and the said executor, after deducting so much of the money arising by such sale as the county court of Halifax shall adjudge a reasonable compensation for his disbursements, shall pay and appropriate all the remainder of said money to such uses as the last will and testament of the aforesaid deceased doth direct.

Read three times, and ratified in General Assembly, the tenth day of November, 1779.

ABNER NASH, S. S.
THOMAS BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1780.

At a General Assembly, begun and held at Newbern on the seventeenth day of April, in the year of our Lord one thousand seven hundred and eighty, and in the fourth year of the Independence of the said state: Being the first session of this Assembly. *Abner Nash, Esq.*, Governor.

CHAPTER I.

An Act to regulate and ascertain the Officers Fees therein mentioned.

I. Whereas it is necessary that clerks, sheriffs, jailors and others, should receive for their services a more equal compensation than is at present allowed them: Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, that for the future the several officers hereinafter named shall take and receive the following fees only, and no other or greater fees or charge whatever, that is to say, the secretary of state for receiving the surveyor's return, filing the plan, making out and recording the grant which may issue in consequence of entries and surveys of land hereafter to be made with any entry taker in any of the several counties within this state, with certificate thereof for each tract of land, four pounds; for docketing a caveat, filing order of suspension of grants, issuing and certifying the same to the county court, four pounds; for every search, sixteen shillings; for a copy of a record of a patent, or grant and certificate, two pounds; for copying and certifying a will, four pounds; for every testimonial, two pounds; for every commission for a place of profit, two pounds; for recording inventories, orders for letters testamentary, and of administration, two pounds; the private secretary for the great seal, wax, tape and paper used in making the same for the future, two pounds; for every public testimonial, four pounds; for every commission for a place of profit, four pounds; for a pilot's branch, four pounds; the clerks of the Superior and County Courts for every leading process returned to the first court including all services, together with dismission or final judgment where either happens, ten pounds; for every continuance or reference of any cause after the second court including all fees for every service necessary thereon, forty shillings; for the court at which the cause is determined, including all services, five pounds; for every subpoena, provided, the party insert no more than four witnesses in the same, twenty shillings; for every execution or order of sale when necessary issued and returned, including all services thereon with taxing costs and copy, and entering satisfaction, four pounds; for every scire facias against bail, with making up an issue thereon, or entering judgment without plea, including all fees for every necessary service thereon (provided that the party paying costs shall not be subject to this unless the scire facias is necessary and required by the plaintiff) four pounds; for giving a copy of the record of any cause when demanded by either of the parties, three pounds; for every order or rule of court made on matters foreign to the suits depending in court, and copy thereof when demanded, twenty six shillings; for entering on the minutes the probate of a will, qualifying executors, making certificate, recording the will and giving copy thereof, six pounds; for granting administration taking bond and all other services there-

on, six pounds; for proving, recording and filing an inventory, account of sales, or account current exhibited by an executor, administrator or guardian, or for search, copy and certificate of the same, if the estate be under five hundred pounds, twenty shillings; if above five hundred pounds, forty shillings; for every marriage license and bond, four pounds; for ordinary license and bond, and all the services necessary to be done thereon, fifty shillings; for tavern rates, twenty-five shillings; for searching a record out of court, ten shillings; for every copy of such record; for proving or entering acknowledgement of a conveyance of land or other estate, and certifying same with order of registration and examination of a feme covert, without commission, twenty five shillings; for a commission to take the examination of a feme covert or witnesses, in any cause depending in the superior court, entering the return thereon and other necessary services, forty shillings; for guardian or other bonds taken in court, including all services, forty shillings; for indentures for binding out apprentices, including all fees for every service necessary thereon, fifty shillings; for a special venire facias in an action of ejectment, or where the bounds of lands shall come in question, when the said writ shall be issued, four pounds; for a special verdict or demurrer, or motion in arrest of judgment, forty shillings; for a writ of error, appeal or certiorari, with a transcript of the record, and all services thereon, five pounds; for making out certificates of witnesses attendance, five shillings; for recording a mark or brand, and granting certificates thereof if required, fifteen shillings; and all other services done by clerks of courts are hereby deemed as ex officio, and the respective courts shall and may allow reasonable satisfaction for the same annually out of the county tax.

II. And be it further enacted by the authority aforesaid, that the sheriff or jailor in each respective county in this state do supply with good and wholesome provision all persons (other than prisoners of war) who may be committed to his care or custody by any authority of this state, and that he be allowed for the same three pounds per day each; and that each sheriff respectively do pay and allow out of the public monies in his hands to every prisoner of war who by the order of any two justices of the peace shall be in his custody, or paroled to his county, the following sums, that is to say, for each commissioned officer, the sum of six pounds per day each; and to every other prisoner of war the sum of three pounds per day each.

III. And be it further enacted by the authority aforesaid, that from and after the passing of this act, it shall and may be lawful for the sheriffs within this state to take and receive the following fees: For every arrest, four pounds; bail bond, fifteen shillings; service of declaration, twenty shillings; for whipping any person, forty shillings; serving a subpoena, for each person named in the same, forty shillings; for pillorying any person, four pounds; an attachment, the same as for an arrest, and if further trouble by moving goods to be taxed by the court; executing a warrant of distress or other execution against the body or goods, if not above fifty pounds for each pound one shilling; if above fifty pounds for each pound above, sixpence; summoning, impanelling and attending on a jury on every cause in court, forty shillings; when a special venire shall issue by order of court, for summoning each juror and attending the same, twenty shillings; putting any person in the stocks and releasing, forty shillings; for every commitment, forty shillings; a releasment, forty shillings; serving a writ of possession of land, four pounds; serving and attending on any person on a habeas corpus, per day, forty shillings; calling every action in court, each court ten shillings.

IV. And be it further enacted by the authority aforesaid, that the register

in each county in this state shall and may take and receive for registering each deed or grant, including certificate thereof, three pounds; for every search, eight shillings; for a copy of any grant or deed, forty shillings; and for registering any other instrument of writing, forty shillings.

V. And be it further enacted by the authority aforesaid, that the several entry takers and surveyors shall be entitled to, and may take and receive, the following fees for their respective services and no more, that is to say; the entry taker for all services in making each entry, taking out the grant and conveying the same to his county, four pounds; for entering a caveat, taking bond and transmitting certificate of such caveat to the county court, four pounds; the surveyor for making each survey of three hundred acres or under for warrants which may hereafter be issued, twelve pounds; and for every hundred acres more than three hundred, twenty shillings.

VI. And be it further enacted by the authority aforesaid, that the naval officers of the respective ports in this state may take and receive for entering and clearing every vessel of twenty tons burthen and upwards, twenty five dollars; and for every vessel under twenty tons burthen, all necessary services included, ten dollars, exclusive of the sums heretofore allowed them by law; and that the naval officers of the ports of Bath, Beaufort and Roanoke, do receive for the use of the pilots for staking the harbors, rivers and creeks, near Occacock bar, the further sum of ten dollars for every vessel of more than twenty tons burthen going out of this State over Occacock; for which sum the said naval officers shall account with the commissioners of navigation, as directed by an act of assembly intituled, "An act to regulate "the pilotage of Cape Fear and Occacock bars, and the rivers leading from "the same to Brunswick, Wilmington, Newbern, Bath and Edenton." And whereas the fees of the judges, marshals and registers of the several courts of admiralty in this state are very inadequate to their services; be it enacted by the authority aforesaid, that for every vessel libelled in any of the courts of admiralty in this state under forty tons burthen, the judge, marshal and register shall be entitled to receive the sum of one thousand dollars and no more, to be divided among them in the following proportions, viz, to the judge one half, to the marshal three sixteenths, exclusive of his lawful commissions, to the register five sixteenths of the said sum; and for every ship or vessel of forty tons burthen or above, the sum of fifteen hundred dollars and no more, to be divided among them in the same proportion as above directed.

VII. And be it further enacted by the authority aforesaid, that the attendance of jurors in the several courts of admiralty in this state shall be enforced under the penalty of fifty pounds currency, to be recovered as directed in a former act of this state passed at Newbern in April, 1777.

CHAPTER II.

An Act to Amend an Act Intituled, "An Act for ascertaining what property in this State shall be deemed Taxable Property, the methods of Assessing the same, and collecting Public Taxes," and other purposes.

I. Be it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that the clerks of the several county courts within this state shall transmit, within twenty days after the courts to which the assessments may be returned, an exact list or account of the several assessments in their respective districts to the sheriff and county warden, and also the said clerk shall furnish to each tax-gatherer an account of the amount of each person's taxable property within the res-

pective districts to which they may be appointed, and certify to the public treasurers of the district the amount of the taxes within their several counties, and annually to the general assembly, under the penalty of one thousand pounds, to be recovered by action of debt, in the name of the governor, for the use of the state.

II. And for the more effectual collecting the public taxes, be it enacted by the authority aforesaid, that the county courts shall appoint a collector or tax-gatherer in each district in their respective counties, who shall collect all the taxes of such district, but before executing his said office shall enter into bond with sufficient security in double the sum at least by him to be collected, payable to the governor for the time being and his successors in office, for the faithful discharge of his duty; and every tax-gatherer shall be allowed at the rate of three pounds for every hundred pounds he shall so collect, and so in proportion for a greater or less sum, and shall pay into the hands of the county treasurers the whole amount of the taxes which they shall receive on or before the first day of February in each year.

III. And be it further enacted by the authority aforesaid, that the sheriffs of every county in this state shall demand and receive from the tax-gatherers within their respective counties all public taxes by them collected, and for that purpose the said sheriffs shall be, and they are hereby constituted county treasurers, and for their trouble in so receiving the public taxes and paying the same to the treasurer of the district, shall be allowed at the rate of two pounds in every hundred pounds so received and paid; and every sheriff shall enter into bond in the county court with two or more sufficient securities in double the amount of the tax assessed in his county, payable to the governor for the time being and his successors in office, with condition that he well and truly account for and pay to the public treasurer or treasurers all such sums of money as he shall receive from the tax-gatherers, after deducting his lawful commissions.

IV. And be it further enacted, that persons appointed to value the taxable property of the inhabitants of the different counties in this State shall, previous to their valuing the same, take the following oath: I, A B, do solemnly swear that I will faithfully and to the best of my information and understanding value and appraise the taxable property directed by law to be valued and appraised, of the inhabitants of the county wherein I am appointed for that purpose, in proportion to what negroes were valued to by law, paying due respect to the difference of their respective values.

V. And be it enacted, that so much of the aforesaid act intituled, "An act for ascertaining what property in this state shall be deemed taxable property, the method of assessing the same and collecting the public taxes, and for other purposes, as comes within the purview of this act, or is contradictory thereto, shall be void.

CHAPTER III.

An Act for Levying a Public Tax for the Year One Thousand Seven Hundred and Eighty, and for other purposes.

I. Whereas it is necessary that the treasury be supplied with money as speedily as may be to defray the public expence: Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that for the year one thousand seven hundred and eighty a public tax of six pence shall be paid for every pound value of taxable property within this State, and a proportionable poll tax on all such freemen

as are subject to the payment of a poll tax pursuant to an Act passed at Halifax in February, one thousand seven hundred and seventy nine, intituled, "An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same and collecting public taxes, and other purposes, and an act passed this present session for amending the aforesaid act;" and that all such taxes be levied and accounted for pursuant to the directions of said acts.

II. And be it further enacted by the authority aforesaid, that a further tax of one shilling over and above the aforesaid sixpence in every pound value of taxable property belonging to Moravians, Quakers, Menonists or Dunkards, shall be paid for the year one thousand seven hundred and eighty, and shall be levied and accounted for as by the said acts directed.

III. Be it enacted by the authority aforesaid, that every justice within this state shall return to the assessors a descriptive list of all the persons within his district who are to pay a three or four fold tax agreeable to the former taxation law. And whereas the overseers of the poor at present are restrained by law from levying a tax higher than one shilling and six pence in each and every hundred pounds value of taxable property, together with a proportionable poll tax, which by experience is found to be far inadequate to the purposes of providing for the poor;

IV. Be it therefore further enacted by the authority aforesaid, that the overseers of the poor for the respective counties in this state shall, and they are hereby authorized and impowered, to levy a tax as poors rates of five shillings on every hundred pounds taxable property of the inhabitants of this state, or a poll tax in proportion, and that in any county in this state where the overseers of the poor may think five shillings in each hundred pounds value of taxable property as aforesaid too much, they shall and may and are hereby authorized to levy any less sum to answer the purpose aforesaid.

CHAPTER IV.

An Act for the More Effectually Preventing Engrossing and Forestalling for the Encouragement of Commerce and the Fair Trader, and for other purposes therein mentioned.

I. Whereas of late the currency of this and the United States hath been depreciated, the necessaries of life rendered scarce, and the prices of every thing raised to the most extravagant height; all which evils and many more have originated from the wicked arts of a set of men called speculators; who regardless of every thing but their own illicit gain spread themselves over the country forestalling and engrossing the necessaryy articles of life and of commerce: For remedy whereof,

II. Be it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, that from and after the first day of June next ensuing, it shall not be lawful for any person or persons to sell or retail for profit (except as herein after excepted) any kind of imported articles except the same shall have been imported from beyond seas on his or their own account, or shall have been consigned to him or them from beyond the seas, under the penalty of forfeiting one hundred thousand pounds for every offence.

III. And be it enacted by the authority aforesaid, that it shall not be lawful for any person or persons to purchase or contract for any kind of article of the growth or production of this state except for his, her or their own family's use and consumption, and except the same shall be purchased

for the express purpose of exporting the same on his or their own account within the space of eighty days thereafter; and if any person shall purchase any such articles except for his, her or their own family use and consumption, and shall not export the same within eighty days as aforesaid (unavoidable accidents only excepted) he or they so offending shall forfeit all such articles and shall also pay for every such offence the sum of one hundred thousand pounds. Provided, that nothing in this act contained shall be construed to prevent persons buying imported or other articles necessary for the carrying on his, her of their particular manufactory or occupation.

IV. And in order the better to secure to the good people of this State a plentiful supply of all the necessaries of life, be it further enacted, That if any person or persons shall export, or attempt to export, to any of the other states, either by land or by water, any article whatever first imported into this state, he or they so offending shall forfeit all such goods so attempted to be transported, and shall further forfeit and pay the sum of one hundred thousand pounds for each and every offence. Provided, nevertheless, that nothing herein contained shall be construed to debar the masters or owners of vessels belonging to any of the other United States from leaving this state with their cargoes, provided they do not break bulk in this said state. And in order the more effectually to carry the good purposes of this act into effect,

V. Be it further enacted by the authority aforesaid, that if any person whatsoever shall presume to purchase up any articles imported or of the production of this state contrary to the true intent and meaning hereof, it shall and may be lawful for any magistrate, and he is hereby required on having information thereof, to issue his warrant and summon a force sufficient for seizing and securing all such engrossed articles, and he shall make return of his proceedings to the next court of his county, who shall thereupon hear and determine in a summary way the merits of the case, and if it shall appear to the said court that such person or persons had purchased such articles in violation of the true intent and meaning of this act, the said articles shall be condemned as forfeited, and shall be sold at public auction by the sheriff of the said county, one half to the informer the other half to the use of this state.

VI. And be it further enacted by the authority aforesaid, that all the penalties by this act imposed shall be and enure in all cases, one half to the informer the other half to the use of this state, and it may be sued for in any court of record in the state.

VII. Provided nevertheless, that nothing in this act contained shall prevent any inhabitant of this state, having obtained a license from three justices, from purchasing any kind of imported articles from the original importer or consignee and selling the same for any profit not exceeding twenty five per cent. on the purchase money, and an allowance of five per cent. for every hundred miles he may have transported the same, as also an allowance of fifteen per cent. to such persons transporting the articles of rum, salt, brown sugar, iron, steel and molasses, as aforesaid, from the place of such purchase.

VIII. Provided nevertheless, that nothing in this act contained shall bar or restrain any continental contractor or commissary or any commissary or contractor of this state from purchasing provisions for the use of this state or the United States, or the commissioners appointed for carrying on a trade for the public benefit, or any of them, or any other person or persons acting for or under them, or any of them, from purchasing any country

manufacture or produce; or foreign goods, wares and merchandise, or other articles necessary for carrying on trade for the benefit of this state.

IX. And be it further enacted by the authority of the state, that no person or persons within this state, except the original importer, consignee or manufacturer, and except as is herein excepted, shall from and after the first day of June next presume to sell, or expose to sale, any goods, wares or merchandise, before he or they shall obtain a permit for so doing from some three justices of the peace of the proper county where such seller resides. And to the end that the good purposes of this act may be the more effectually answered,

X. Be it enacted by the authority aforesaid, That before any person shall obtain such permit, he, she or they shall take the following oath or affirmation, which such justices are hereby required to administer before they shall grant such permit: I, A B, do swear, or solemnly and sincerely declare and affirm, that I will not directly or indirectly ask, demand, take or receive any greater or other profits on any of the goods, wares or merchandize, which I shall sell during the continuance of an act of assembly of this state entituled, "An Act for the more effectually preventing engrossing and forestalling, for the encouragement of commerce and the fair trader, and for other purposes therein mentioned," than is allowed in and by the said act; that I will not directly or indirectly buy, contract for or get into my possession, any such goods, wares or merchandize, otherwise than is allowed by the said act, and that I will in all things to the utmost of my power comply with the directions of the said act. And if any person or persons, except as aforesaid, shall sell or expose for sale, any goods, wares or merchandize, before he, she or they, shall obtain such permit, and before he, she or they, shall take the oath or affirmation aforesaid, every person so offending shall forfeit double the value of the goods so sold, or offered for sale, one half thereof to the informer the other half to the use of the state.

CHAPTER V.

An Act for Emitting One Million Two Hundred and Forty Thousand Pounds in Bills of Credit, for Discharging the Debts Due by this State, and other purposes.

I. Whereas this state has incurred debts by raising men for the defence of this and the United States, for which the public faith stands pledged; and whereas it is absolutely necessary that a farther sum should be emitted for effecting the completion of the continental battalions of this state and other purposes.

II. Be it therefore enacted by the general assembly of the State of North Carolina and by the authority of the same, that one million, two hundred and forty thousand pounds be emitted on the faith and credit of this state in bills of the following denominations, that is to say; one thousand bills of five hundred dollars each, two thousand of two hundred and fifty dollars each, five thousand of one hundred dollars each, eight thousand of fifty dollars each, and forty eight thousand of twenty five dollars each; that the same be printed in a printing press, and that Memucan Hunt, Henry Rhodes and William Tisdale, Esqrs., be commissioners to superintend and number the same, that Joseph Leech, James Coor, James Green, and John Macon, Esquires, be commissioners to receive the same, when printed and numbered, to sign the same and pay it in the hands of the public treasurers.

III. And be it further enacted by the authority aforesaid, that the general

form of the bills hereby directed to be emitted shall be as follows, viz, State of North Carolina, this bill entitles the bearer to receive ———— Spanish milled dollars, or the value thereof in gold or silver, agreeable to an act of Assembly passed at New Bern, the ———— day of ————, 1780. And such bill shall be impressed and printed both in the face and reverse thereof, on the edges as well as the body thereof, with divers letters, marks, devices and words, which may be difficult of imitation, and which in the opinion of the said superintendents of the press may most effectually secure the same from attempts to counterfeit, and shall be signed by two of the said commissioners only hereby appointed to sign the said bills.

IV. And be it also enacted by the authority aforesaid, that every dollar of the emission aforesaid shall be held and deemed equal to eight shillings current money of this state, and shall pass current at the same and be a lawful tender in all payments and contracts within this state.

V. And be it enacted by the authority aforesaid, that the superintendents shall deliver to any two of the signers not exceeding one hundred thousand pounds at one time, taking a receipt for the numbers from the lowest to the highest inclusive, and shall deliver no more unto the said signers until a receipt be produced from some one or more of the public treasurers for the same number duly signed.

VI. And be it enacted by the authority aforesaid, that every commissioner appointed by this act to superintend, number, sign and pay the said bills of credit to the said treasurers, shall take an oath well and truly to execute the duties and discharge the trust by this act required, and that each and every commissioner shall enter into bond to the governor with sufficient security by him approved in the sum of five hundred thousand pounds, for the faithful discharge of the duties and trusts by this act required.

VII. And be it further enacted by the authority aforesaid, that each and every commissioner for superintending and numbering the said bills of credit shall have and receive such allowance as a future assembly shall direct, and the commissioners for signing and paying the same to the public treasurers shall also have and receive such allowance as a future assembly may direct.

VIII. And be it further enacted by the authority aforesaid, that the commissioners for superintending the said bills of credit shall be impowered to purchase paper and materials, and to employ a printer to print the said bills, and may draw on the public treasurers, or any of them, having first obtained warrants for that purpose from the governor who is hereby requested upon application to him, to grant the same for the monies necessary.

IX. And be it further enacted by the authority aforesaid, that the commissioners herein before appointed for superintending the press and signing the money shall meet at Newbern as soon as may be to consult and agree upon measures for procuring paper and carrying this act into execution, and that the commissioners shall begin to print and sign the said bills of credit to be by this act emitted as soon as possible after the passing hereof.

X. And whereas the exigences of the times contrary to the present expectations of the general assembly may require a further emission of bills of credit before the setting of the next general assembly; Be it further enacted by the authority aforesaid, that it shall and may be lawful for the governor, with the advice and consent of the council of state, to cause to be emitted such further sum or sums in the recess of the assembly as the exigences of the state may require, under the same rules and regulations as the money to be emitted under the immediate authority of this act.

XI. And be it enacted by the authority aforesaid, that whosoever shall,

by printing, writing, engraving or by any other ways or means counterfeit, or attempt to counterfeit, any of the bills of credit by this act directed to be emitted, or any part, word, letter, name, emblem or device thereof, except by authority of law, or shall alter or deface any of the bills with intention to change the value or denomination thereof, or shall knowingly pass or utter any counterfeit likeness of any of the bills to be emitted under this act, being thereof lawfully convicted by confession or verdict, every such person shall be liable to be proceeded against and suffer the pains and penalties which persons guilty of similar offences are liable to by an act intituled, "An act for punishing persons concerned in any of the several species of counterfeiting in this state," passed at Halifax the eighteenth day of October in the year of our Lord one thousand seven hundred and seventy nine.

XII. And be it enacted by the authority aforesaid, that if any commissioner appointed by this act to sign the said bills of credit or to superintend and number the same shall die, refuse to act, resign or remove out of the state, or become disabled or disqualified, it shall and may be lawful for the governor to appoint one in his stead, and such commissioner shall give bond and be subject to the same rules and regulations as commissioners appointed by this act.

XIII. And be it further enacted by the authority aforesaid, that the public treasurers of this state, or some of them, shall and are hereby directed to attend at the place where the aforesaid money shall be struck, to receive the same from the signers.

XIV. And be it further enacted by the authority aforesaid, that previous to the superintendants entering upon the business of printing the said bills of credit by this act directed to be emitted, they shall take an oath to break and destroy the types in such manner as to prevent any frauds or impositions.

CHAPTER VI.

An Act for Establishing a Board of Commissioners for Carrying on Trade for the Benefit of this State.

I. Be it enacted by the general assembly of the state of North Carolina, and it is hereby enacted by the authority of the same, That the Honourable Richard Caswell and Robert Bignall, esquires, and Benjamin Hawkins, esquire, be, and they are hereby constituted and appointed, a board of commissioners for the express purpose of carrying on a trade for the benefit of this state; and they, or a majority of them shall, and are hereby declared to have full power and authority to purchase, build, employ or freight, or otherwise employ any vessel, or number of vessels, they or a majority of them, may think proper for the purpose aforesaid; as also to employ clerks or assistants, to hire or purchase stores and warehouses, and to do all other things that they may deem necessary for carrying on the said trade to the best advantage; and they have power to purchase any kind of commodity or manufacture of this state, or the United States, or elsewhere, and to ship the same, or dispose of it otherwise for the purpose of importing or procuring arms and other military stores for the army, as well as for the importation of salt and all kinds of merchandize for the use and consumption of the good people of this state; and they are directed to store in some convenient place or places, all such arms and other military stores, and all such other imported articles as may be necessary for the continental and state troops,

that the same may be in readiness when wanted, and that they make return to the general assembly from time to time of the same; and that all other parts of the cargoes so to be imported as herein after directed, shall be disposed of to the best advantage, and that the money or produce arising from the sale of the said goods shall continue to be employed by them in trade for the benefit of the state until the general assembly shall otherwise order; and the said commissioners are further impowered and required to establish a store or stores in each of the districts of Halifax, Edenton, Wilmington, New Bern, Salisbury, and Hillsborough, and to divide the necessaries so to be imported or purchased as equally as may be among the same.

II. Be it further enacted, That the commissioners, before they enter on the execution of their office, shall take the following oath: I, A B, do swear that I will well and truly execute the office of commissioner for carrying on a trade for the public good to the best of my skill and ability; and that I will not directly or indirectly carry on, or be concerned in any trade or scheme of commerce, for my own emolument, otherwise than by this act directed and allowed.

III. And be it further enacted, by the authority aforesaid, That on application of the commissioners the governor be, and he is hereby authorized and required, to grant them warrants on the treasurers or any of them, for such sum or sums of money as they may deem necessary for carrying the good purpose of this act into effect (taking from the said commissioners bond for the due and faithful application of all monies by them obtained on account of this act) and the said treasurers are directed to pay such drafts, for which they shall be allowed in the settlement of their accounts with the public.

IV. And be it further enacted, by the authority aforesaid, That the said commissioners shall not allow or permit any clerk under them directly or indirectly to carry on any trade for the private gain or emolument of any such clerk.

V. And be it further enacted, by the authority aforesaid, that the said commissioners shall be allowed the sum of six thousand pounds per annum each as a salary, and also over and above the same be entitled to such further sums as any future assembly may think proper for their expenditures and services in prosecuting this business.

VI. And be it further enacted by the authority aforesaid, that if any of the said commissioners shall refuse to act, die, remove with intention to reside out of the state, or by any other means be rendered incapable of performing the trust hereby reposed in him or them, that the governor for the time being, with the advice of the council, shall and may appoint one other commissioner to serve instead of any one of the said commissioners so refusing to act, dying or removing.

VII. Be it further enacted, that the commissioners be, and they are hereby directed to meet at Newbern on or before the tenth day of June next to qualify as aforesaid, and to determine on the most effectual method for carrying this law into effect; and they are further requested and desired to give all possible encouragement to foreigners coming to this state to trade; and they are directed to lay before the assembly at their annual meeting, and oftener if the assembly thinks proper, their books and papers, with a true and clear state of all their transactions.

VIII. And be it further enacted by the authority aforesaid, that it shall and may be lawful for his excellency the governor, and he is hereby authorized and impowered, by and with the advice of the council of state, to suspend by his proclamation the operation of two acts of this present session of assembly, the one intituled, "An act to prevent all armed and other vessels

leaving any port, harbour or quay, within this state;" the other intituled, "An act to amend an act intituled, an act to prevent all armed and other vessels leaving any port, harbour or quay, within this state;" at any time hereafter when it may appear to them the purposes intended by the said acts have been effected, or that for other reasons it becomes necessary to suspend the operation thereof.

CHAPTER VII.

An Act to Suppress Excessive Gaming.

I. Be it enacted by the general assembly, that every promise, agreement, note, bill, bond or other contract, to pay, deliver or secure, money or other thing won or obtained by playing at cards, dice, tables, tennis, bowls or other games, or by betting or laying on the hands or sides of any person who shall play at such games, or won or obtained by betting or laying on any horse race or cock fighting, or any other sport or pastime, or any wager whatsoever, or to repay or to secure money or other thing lent or advanced for that purpose, or lent or advanced at the time of such gaming, sporting or wager, to a person then actually playing, betting, laying or adventuring, shall be void; any conveyance or lease of lands, tenements or hereditaments, sold, demised or mortguaged, and any sale, mortguage or other transfer of slaves or other personal estate, to any person or for his use, to satisfy or secure money or other thing by him won of, or lent, or advanced to, the seller, leaser or mortguager, or whereof money or other thing so won, lent or advanced, shall be part or all of the consideration money, shall enure to the use of the heir of such mortguager, leasor, bargainer or vender, and shall vest the whole estate and interest of such portion in the lands, tenements or hereditaments so leased, mortguaged, bargained or sold, and in the slaves or other personal estate so sold, mortguaged or otherwise transferred, to all intents and purposes in the heir of such leasor, bargainer, mortguager or vender, as if he had died intestate. If any person, by playing or betting at any game or wager whatsoever, within the space of twenty-four hours, shall lose or win from another, a greater sum, or anything of a greater value than five pounds, the loser and winner shall be rendered incapable of holding any office, civil or military within the state within the space of two years, and moreover shall be liable to pay ten shillings in the pound for every pound over and above the said sum of five pounds which he shall so win or lose, and upon information thereof made to any jurisdiction having cognizance thereof and due proof thereof had, such county court shall levy upon the goods and chattels of the offenders the full penalty incurred, to be applied to lessening the levy of the county wherein such offense shall be committed, and upon conviction before such county court, shall incur the forfeiture hereby inflicted, and be ipso facto deprived of his office aforesaid. Any person who shall bet or play for money or other goods, or who shall bet on the sides or hands of those who play at any game in a tavern, racefield or other place of public resort, shall be deemed an infamous gambler and shall not be eligible to any office of trust or honor within this state.

II. Any tavern keeper who shall permit cards, dice, billiards or any instrument of gaming to be made use of in his house, or shall permit any person to bet or play for money or other goods in any out house, or under any booth, arbour or other place, upon the messuage or tenement he possesses, and shall not make information thereof and give in the names of the offenders to the next court which may be held for the county wherein he resides, shall be

deprived of his license, and moreover shall pay to the informer one hundred pounds, to be recovered by action of debt in any jurisdiction having cognizance thereof.—Two justices of the peace may cause any person not possessing a visible estate nor exercising some lawful trade or profession, who shall be suspected by them to support himself for the most part by gaming, to come or be brought before them, and if the suspicions shall appear upon examination to be well founded, may require security of him for his good behaviour during the term of twelve months, and if before the expiration thereof he shall play for or bet any money or other thing at any game whatsoever, he shall be adjudged to have broken the condition of his recognizance.

III. No person in order to raise money for himself or another shall publicly or privately put up a lottery of blanks and prizes to be drawn or adventured for, or any prize or thing to be raffled or played for; and whoever shall offend herein shall forfeit the whole sum of money proposed to be raised by such lottery, raffling or playing, to the use of the state: Provided always, that this act shall not be construed to extend to any lottery established by public authority, or for the encouragement of any school or schools. The presiding justice as well in the superior as in all the county courts of law in this state shall constantly give this act in charge to the grand juries of their courts at the times when such grand juries shall be sworn. This act shall commence and be in force from and after the first day of June next.

CHAPTER VIII.

An Act to establish a Board of Auditors for settling and adjusting the Public Accounts of this State, and other purposes.

I. Whereas many persons have been intrusted with large sums of public money for the use of the state, and also public property, for which they have never accounted, but have abused the trust reposed in them by misapplying the same, to the great injury of the public credit and whereas the keeping of the public accounts methodically stated, and the calling upon receivers of public money to pay up the same or account for the application thereof, would prevent many abuses and save a great expence.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that a board of auditors be constituted and appointed to consist of three persons to be elected by ballot of both houses, and such auditors shall make a complete state, from time to time, of the accounts of this State with the Continental Congress, and shall also state regular accounts against all persons who, having been intrusted with public money, or the collection thereof, either on account of or for the immediate use of this state, or for continental purposes, have failed fully to account and settle; and that they furnish the attorney general of this state with lists of the names, and a state of the accounts and balances due from such persons, that suits may be immediately commenced for the recovery of all such balances, and shall likewise state such mistakes or frauds as may appear in accounts or claims heretofore settled or allowed by the General Assembly, and lay the same before the General Assembly when thereto required, and to this end shall have full power and authority to ask, demand and receive, all papers, materials and things, which may be necessary or conducive thereto, and to purchase such stationary as may be wanted, and to appoint a clerk or clerks to aid and assist in executing the business of their office: and the said auditors, or any two of them, shall and may draw on any or either of the treasurers of this State from time to time for such sums

as shall be actually necessary for purchasing stationary and hiring a clerk or clerks as aforesaid, which shall be allowed such treasurer in settlement.

III. And be it further enacted by the authority aforesaid, that the said auditors shall attend the General Assembly at each and every session, and they, or any two of them, as well in the recess as at the meeting of the Assembly, shall have full power and authority, and are hereby required to settle and adjust all accounts and claims which heretofore were wont to be settled and adjusted by the General Assembly, and shall lay the same before the General Assembly to be by them approved or rejected; and the said auditors, previous to their entering on the business of their office, shall take the following oath:

I, A B, do swear that I will faithfully execute the trust reposed in me as an auditor to the best of my skill and judgment, without prejudice or favour, SO HELP ME GOD.

And the said auditors shall have a generous and sufficient compensation for stating the public accounts in manner before directed, to be allowed by the General Assembly, when ever such state shall be compleated, and shall also severally have and receive for their attendance on the General Assembly, and settling and adjusting accounts and claims during the session, twice the sum per day which the General Assembly shall allow its own members.

IV. And be it further enacted by the authority aforesaid, that in case suits should be commenced agreeable to the directions of this Act, the jury shall allow in damages at the rate of one hundred per cent. per annum, interest on the ballance due to the State.

V. And be it further enacted by the authority aforesaid, that the said auditors shall settle and adjust the accounts as aforesaid during the recess of the Assembly at some convenient place at or near the center of the State, and that they advertize the place of their setting as soon as they shall agree upon the same.

CHAPTER IX.

An Act allowing salaries to the Governor, Council of State and others, and other purposes.

I. Whereas it may be necessary for the safety of this State that the General Assembly may be conveaned at other times than those to which the same may be adjourned, and that it is absolutely necessary that adequate salaries be granted to the Governor, Judges, Secretary, Members of the Council of State and others.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that there shall be paid to his excellency the Governor the annual sum of thirteen thousand pounds in lieu of all fees for his services as Governor of this State, that each of the members of Council of State be allowed for each day they shall be on duty as Councillors of this State twenty two pounds, and that each of the Judges be allowed the sum of one thousand pounds for each court they shall attend, that each of the Public Treasurers be allowed the annual sum of two thousand pounds for their services as Treasurers, that the Secretary be allowed the annual sum of three thousand five hundred pounds for his attendance on the Council of State and all his other public services as Secretary, exclusive of other emoluments by law allowed, and that the Attorney General be allowed the sum of five

hundred pounds for each court he shall attend for his services as Attorney General.

III. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor or Commander in Chief, with the advice of the Council of State, to call a meeting of the general Assembly, if the same shall be absolutely necessary, at a sooner day than the same may stand adjourned to or appointed to meet.

CHAPTER X.

An Act to Enlarge the jurisdiction of Justices of the Peace, and other purposes.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that all debts and demands of two hundred pounds and under, where the balance due on any specialty, contract, note or agreement, or for goods, wares and merchandise, sold and delivered, or work and labour done, are hereby declared cognizable and determinable by any one Justice of the Peace, warrant first being issued in the usual mode returnable before some Justice, who may give judgment and thereupon award execution against the goods and chattels or body of the debtor, which shall be executed and returned by the sheriff, constable or other officer, to whom the same may be directed, in the same manner and under the same rules and restrictions as like proceedings formerly were.

II. Provided nevertheless, that if either of the parties shall be dissatisfied with the judgment given by such Justice, he or she may appeal to the next inferior court of the county where such judgment is obtained, first giving bond and security to prosecute such appeals with effect; and the said court is hereby empowered and directed to try and finally determine all such appeals to which the same are returnable. Provided also, that the warrant shall be tried by, and appeal made from, such Justice five days at least before the term to which the appeal shall be made, otherwise the cause shall be continued to the next succeeding term. And provided further, that the Justice before whom the same was first heard shall, at the request of either of the parties, issue a summons to cause such witnesses to appear at court as they may name, but shall not sit in court to give judgment on the appeal.

III. Be it further enacted by the authority aforesaid, that any subject within the State may, by his or her own oath, or other way to the satisfaction of the said Justice, prove his or her demand in the sum before mentioned, which shall be considered due proof to support his or her action.

IV. And be it further enacted by the authority aforesaid, that from and after the passing of this Act, the sheriff, constable or other officer, may take and receive the following fees: For every warrant six dollars, for every attachment six dollars, for every execution six dollars, for every witness actually summoned two dollars.

V. And be it further enacted, that so much of the act of Assembly passed at New Bern the fifteenth day of November, 1777, intituled, "An Act for establishing courts of law and for regulating the proceedings therein," as also an act passed at Halifax the eighteenth day of October, 1779, intituled, "An Act to enlarge the jurisdiction of Justices of the Peace," as comes within the purview and meaning of this Act, is hereby repealed and made void.

CHAPTER XI.

An Act to amend an Act Intituled, "An Act to amend an Act for establishing offices for receiving Entries of Claims for Lands in the several counties within this State, for ascertaining the method of obtaining Titles to the same," and for other purposes therein mentioned.

I. Whereas it is enacted by the before recited Act that all warrants of surveys shall be returned within twelve months after the same is received by the several surveyors in this State, which is found by experience not sufficient for the purpose therein intended: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a longer time of twelve months be allowed, after the passing of this Act, for each surveyor to make their returns, which shall be done under the like rules and regulations as in the before recited Act, anything contained in the before recited Act to the contrary, notwithstanding.

III. And be it further enacted by the authority aforesaid, that a further time of two years be given to all persons who have heretofore, or may hereafter, obtain grants of lands under the present government to have the same registered; any law, usage or custom, to the contrary, notwithstanding.

CHAPTER XII.

An Act to Impower the County Courts within the respective Counties to Inspect the Circulating Currency in this State, and for other purposes.

I. Whereas the good people of this State are greatly injuried by the quantity of circulating counterfeit money therein, great part of which is done with such exactness as to deceive the most skillful observer, and unless timely detected will be the subversion of our currency and credit: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the respective County Courts within this State are hereby impowered, required and directed to appoint three or more proper persons within their counties to inspect all bills that shall come within their knowledge, and that the inspectors appointed as aforesaid be, and they are impowered and directed to write COUNTERFEIT in large letters on the face of all such bills as they adjudge bad to prevent the further circulation of the same. Provided nevertheless, that if any person shall think himself aggrieved, he may apply to the treasurer of the district, who is hereby directed to take in all such money as may be wrongfully condemned and give other money for it.

III. Be it enacted by the authority aforesaid, that the inspectors appointed in virtue of this Act, before they enter on the execution of their office, shall take the following oath:

I, A B, do swear that I will faithfully inspect all bills that may come to my hand, and that I will without favour, affection or partiality, condemn all such as I may adjudge are bad, and that I will not make any indirect use of my appointment.

IV. And be it further enacted by the authority aforesaid, that each of the county courts be, and they are hereby empowered to give an adequate sum out of the county tax to their respective inspectors.

V. And be it also enacted by the authority aforesaid, That on the

tender of any sum of money the person to whom such tender is made may, if he thinks proper, require the money to be inspected, and in case the person who made the tender shall delay or refuse to have the said money examined by the most convenient inspector, then and in that case the tender so made shall not be good or valid in law; and the person so refusing shall forfeit and pay for every such refusal double the amount of the sum so tendered, to be recovered in any court of law having cognizance thereof, and applied one half to the use of the county and the other half to the person or persons who shall sue for the same.

CHAPTER XIII.

An Act for the relief of the people Called Moravians, Quakers, Menonists and Dunkards, within this State.

I. Whereas by an Act of the General Assembly of this State intituled, "An Act to amend an Act for declaring what crimes and practices against the State shall be treason and what shall be misprision of treason, and providing punishments adequate to the crimes of both classes, and preventing the dangers which may arise from persons disaffected to the State," all persons within this State are required to take an oath of affirmation to the State, and in case of refusal are either to be sent out of the State or to be deprived of the benefit and protection of the laws of said State, and disabled from prosecuting or defending any suit either in law or equity; and whereas numbers of persons under pretence that the people called Quakers, Moravians, Menonists and Dunkards, have not taken an affirmation to the State, have entered and taken up the lands which the said denominations of people have remained in quiet possession of for many years: For remedy whereof, and to prevent such abuses for the future,

II. Be it enacted by the General Assembly of this State, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, when it shall appear that any of the people of any of the said denominations within this State, who are in unity with the people of their respective persuasions, shall have been lawfully possessed of any lands within the said State, either by patent, deed or otherwise, whereon any other person hath heretofore made entry and under the abovesaid pretence, all such entries and the proceedings thereon shall be deemed null and void; and in case any entries shall hereafter be made on any of the lands of the said people, such entries shall also be void and of no effect.

CHAPTER XIV.

An Act to amend an Act passed this present session of the General Assembly, intituled, An Act to prevent all armed or other Vessels from leaving any Port, Harbour or Quay, within this State.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the commercial agent be and he is hereby impowered, to impress for the use of this State, the cargoes prepared and purchased for any vessel, or any other commodities or effects in the hands of individuals, proper for exportation, or fit for equipping vessels to go to sea, and to seize any quantity of salt belonging to the subjects of this State which he shall judge necessary, and that he give them an obligation to repay the same within six months, with

interest, or that he pay the current price, at the option of the owner or owners. Providing, that the impressing all the afore mentioned articles shall be conducted by the commercial agent in the same manner as articles necessary for the support of the army are directed by the military law to be impressed, viz, by first making peaceful requisition to the owner or owners for such articles as he may want for the supply of the army.

II. And be it further enacted, that the agent be, and he is hereby impowered, to apply to the colonel, or other commissioned officer of the militia, for a sufficient force to carry the law respecting his department into execution when necessary; and that if any officer shall refuse or delay on such application to order out a sufficient number of the militia for such purpose, he shall forfeit and pay for such refusal or delay the sum of one thousand pounds currency; every militia man so ordered failing to assist in such duty, shall forfeit and pay for every refusal the sum of one hundred pounds currency, to the use of the State, to be recovered as herein after directed.

III. And be it further enacted, that the penalties in this and the Act aforesaid, instead of being one half to prosecutor, be, and they shall go to the use of the State; that the agent be bound by oath, to be administered by any justice of the peace immediately after the passing of this act, to prosecute all such persons as shall incur the penalties, (provided, that the penalty shall not be incurred, except this Act be produced when the application aforesaid may be made to any such officer) and be authorized to appoint an attorney or attornies to commence and carry on such prosecution, and that he receive such penalty when recovered for the use of the State, and account for the same.

IV. And be it further enacted, that so much of the Act before named as comes within the purview of this Act, be, and the same is hereby, repealed.

CHAPPTER XV.

An Act for altering the times for holding the County Courts of Pleas and Quarter sessions in the County of Gates, and other purposes.

I. Whereas the times at present appointed for holding the County Courts of Pleas and Quarter sessions for the County of Gates have in many respects been found inconvenient;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the first day of June the said County Court of Pleas and Quarter Sessions shall be held at the times herein after appointed, instead of the times at present appointed by law, that is to say, on the third Mondays in August, November, February, and May.

III. And be it further enacted, by the authority aforesaid, that all matters of business whatsoever now returnable in the said County Court of Pleas and Quarter Sessions for the County of Gates to the first Monday in August, shall be deemed returnable to the third Monday in August next and all person or persons who have day or days of appearance at the said Court on the first Monday in August next, shall and may appear at the said court on the third Monday of August ensuing, which shall be deemed legal and sufficient, to all intents and purposes, in the same manner as if they had made their appearance on the first Monday in August next, in case this Act had never been made: And all proceedings now pending in the County Court of Gates undetermined, or returnable to the said Court, shall stand adjourned to the day or days appointed as aforesaid for holding the said Court; and

all matters of business which before the passing of this Act might legally be transacted at the respective times heretofore appointed for holding the said county court, shall and may be hereafter transacted at the several times appointed by this Act for holding of the same.

IV. And be it further enacted, by the authority aforesaid, that the said County Courts may be adjourned in the same manner, and for as long a time, if necessary, as those held on the days formerly appointed.

V. And be it further enacted, by the authority aforesaid, that the County Court of Sullivan shall be held on the second Mondays of August, November, February, and May, in each and every year, from and after the first day of July next; and that all matters of business whatsoever returnable in the said County Court of Pleas and Quarter sessions of Sullivan to the third Monday of August next, shall be deemed returnable to the second Monday of the same month; and all persons who have day or days of appearance at the said court on the said third Monday, shall and may appear at the said court on the said second Monday, which shall be deemed and held sufficient, to all intents and purposes; and all manner of proceedings now depending and undetermined in the said County Court of Sullivan, shall stand adjourned to the day or days aforesaid appointed for holding said Court.

CHAPTER XVI.

An Act to continue an Act, intituled, "An Act to amend part of an Act for emitting Eight Hundred and Fifty Thousand Pounds in Bills of Credit, for discharging the Debts incurred by this State in raising men to reinforec the Battalions belonging to this State in the Continental Army, for calling in all former Emissions, and for other purposes.

1. Whereas, by the before recited Act the redemption of the bills of credit emitted under the authority of Congress, held at Hillsborough in the year one thousand seven hundred and seventy five, and those emitted under the authority of this Congress held at Halifax in the year one thousand seven hundred and seventy six, was postponed until the first day of May, in the year one thousand seven hundred and eighty, and the exigencies of the State require a further time for the redemption of the said emissions.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the redemption of the said late emissions be further postponed until the first day of May, one thousand seven hundred and eighty one, and from thence to the end of the next session of Assembly.

CHAPTER XVII.

An Act for authorizing his excellency the Governor, with the advice of the Council of State, to send a relief to South Carolina of any number of men not exceeding Eight Thousand, if Absolutely Necessary.

I. Whereas in the present situation of the State of South Carolina requisitions may be made before the next session of Assembly for a farther aid for the relief of the militia ordered out of this State by an Act passed this present session of the General Assembly, intituled, "An Act for granting an aid to the State of South Carolina, and other purposes;"

II. Be it therefore enacted, that it shall and may be lawful for his excellency the Governor, with the advice of the Council of State, in case it should appear absolutely necessary, to send to the assistance of South Carolina a further relief of any number of men not exceeding eight thousand, to be raised in the same manner and under the like rules and regulations, and entitled to the same bounty, pay, subsistence and allowance, as the men to be raised under the said recited Act.

CHAPTER XVIII.

An Act to invest the title of a certain tract of Land therein mentioned in William Houston, his heirs and assigns, in fee simple.

I. Whereas it hath been made appear to the satisfaction of the General Assembly that William Houston purchased of Henry McCulloch, for two valuable considerations, a tract of land in Duplin County, on the northeast of Cape Fear river, containing eight hundred and forty acres, granted to the said Henry McCulloch by patent bearing date the third day of March, anno domini one thousand seven hundred and forty five, and bounded as follows: Beginning at a gum on the east branch of the river Cape Fear, and running thence east fifty one chains to a pine by the Indian branch, then south twenty degrees west eighty seven chains to a lightwood, then south seventy degrees east three chains to a pine, then south twenty degrees west fifty seven chains to a large pine in a great meadow, then south sixty degrees west forty chains to a stake by the said northeast branch of Cape Fear river, then up the various courses of the said branch to the first station. And whereas the said William Houston hath actually been in quiet and peaceable possession of the aforesaid tract of land ever since the year 1747, without any legal conveyance from the late Henry McCulloch, and the same being now subject to confiscation, to the great injury of the said William Houston; For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, that the title of the said tract of land containing eight hundred and forty acres, bounded as before mentioned, shall be, and is hereby, declared to be, invested in the said William Houston, his heirs and assigns, in fee simple.

CHAPTER XIX.

An Act for vesting and confirming in Hannah Reed, widow and administratrix of the late Reverend James Reed, deceased, the personal estate of the said James Reed in her own right, and for other purposes.

I. Whereas the Reverend James Reed died intestate, and left no children, or other legal representative in this or any of the United State of America; and whereas by an Act of the General Assembly now in force in this State, intituled, An Act appointing a method for the distributing intestates estates, passed in the year of our Lord one thousand seven hundred and fifty six, only one moiety of the estate of such intestate is allotted to his widow; and whereas the whole of the property of which the said James Reed died possessed of was acquired by his intermarriage with his now widow;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that

all and every part and parcel of the personal estate of which the said James Reed died seized and possessed, be and remain in the said Hannah Reed, to her sole use, benefit and behoof, for ever.

III. And whereas it is represented to the General Assembly, that before the running of the dividing line between this State and the commonwealth of Virginia, some grants have been made by the Governor of Virginia for lands which, since the running of the said line, appear to be within this State: In order therefore that the General Assembly may have it in their power at a future day to do whatever may appear just and equitable to the respective parties interested as aforesaid, Be it enacted, by the authority aforesaid, that so much of the said recited Act as might be construed to affect the claims of such persons as before the running of the dividing line aforesaid had obtained grants from the Governor of Virginia, shall be suspended until the next session of the General Assembly; and the surveyors of the said county shall not survey or return their works for any lands so patented until after the next session of Assembly; any law to the contrary notwithstanding.

CHAPTER XX.

An Act to appoint Commissioners to compleat the emissions of eight hundred and fifty thousand Pounds, directed to be Emitted by an Act passed at Hillsborough in the year one thousand seven hundred and seventy eight.

I. Whereas by reason of the smallpox breaking out in Newbern at the time the said commissioners were superintending the press, and striking the said bills of credit, they were prevented from finishing the same, there being yet the sum of twenty nine thousand eight hundred and seventy six pounds five shillings of the aforesaid sum of eight hundred and fifty thousand pounds yet to compleat and finish;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Memucan Hunt and Henry Rhodes, esquires, are hereby directed and required to proceed immediately to the printing and emitting the aforesaid sum in bills of the following denominations, that is to say, fourteen hundred and ninety four bills of fifty dollars each, in lieu of the bills directed; that they proceed with the same under the same rules, regulations and restrictions, as are prescribed by the aforesaid Act of Assembly for emitting the said sum of eight hundred and fifty thousand pounds.

III. And be it enacted, by the authority aforesaid, that if either of the said commissioners should die, remove, or neglect to proceed to finish the said emission, that his excellency the Governor be impowered and required to appoint other commissioners, in the room of those so dying, removing or neglecting to serve.

IV. And be it further enacted, that each of the commissioners for superintending the bills of credit by this Act directed to be struck shall have and receive one hundred pounds; and James Coor, and James Green, junior, esquires, the commissioners for signing and paying the same to the treasurers, fifty pounds each. That so much of the Act afore mentioned as comes within the purview of this Act, be, and the same is hereby made void,

CHAPTER XXI.

An Act for prolonging the time for securing Lots in the Town of Smithfield, in Johnston County.

I. Whereas from the great difficulty of procuring nails, and other necessary materials for building, as well as from many other unavoidable hindrances, it has been put entirely out of the power of the possessors of lots in town of Smithfield, in Johnston county, to compleat their buildings on their respective lots within the time limited by law;

II. Be it therefore enacted by the general Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that every lot in the said town, on which a house shall be built of the dimensions mentioned in an Act of Assembly, intituled, An Act for establishing a town on the land of John Smith, on Neuse River, in Johnston County, or other improvements thereon, which shall be deemed by the directors or commissioners of said town equal thereto, within the space of three years after the passing of this Act, shall and is hereby declared to be vested in the grantee thereof, his heirs and assigns, in fee simple; anything in the said Act contained to the contrary notwithstanding.

CHAPTER XXII.

An Act to vest the Title of a certain Lot therein mentioned in William Courtney, Esquire.

I. Whereas it hath been made to appear, to the satisfaction of the General Assembly, that William Courtney, esquire, of the town of Hillsborough, is justly intitled to a certain lot in the town aforesaid, commonly known by the name of the still-house lot, number 45, the same being a lot late the property of Young, Miller and Company; and the said Young, Miller and Company, who owed allegiance to this State, having departed the same, and joined the enemies of the United States, whereby their property hath by the laws of this State become forfeited to the same; and it being reasonable that the said lot should be protected from confiscation, and secured to the said William Courtney;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that Joshua Potts, John Ray, and James Carrington, commissioners for selling the confiscated property in the County of Orange, or any two of them, be, and they are hereby impowered and required to execute unto the said William Courtney, his heirs or assigns, a good and sufficient deed of conveyance for the same, he the said Courtney paying into their hands the balance which may appear to be due on the said contract; which proceedings, when had and done, shall be deemed sufficient in law to vest in him, his heirs and assigns, all the right and title which this State hath, or may have acquired, in and to the same, by confiscation, forfeiture, or otherwise; any law to the contrary notwithstanding.

CHAPTER XXIII.

An Act to amend an Act, intituled, "An Act for quieting and securing the Tuscarora Indians, and others claiming under the Tuscaroras, in the possession of their lands.

I. Whereas by the said Act there is no penalty imposed on jurors or witnesses, duly summoned, and failing to attend;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is enacted by the authority of the same, that the commissioners by the said Act appointed, or any three of them, assembled for the purpose of holding a court, shall and may inflict fines on jurors or witnesses so failing to attend, not exceeding one hundred pounds, at their discretion; and unless sufficient excuse be to them afterwards shewn, cause the same to be levied and applied towards defraying the county charges of Bertie: And the witnesses and jurors who shall attend on the trial of any disputes between the said Tuscaroras and others, shall have and receive ten dollars per day for their attendance, to be paid by the party cast, with all other costs; and such trial may hereafter be had on any part of the lands belonging to said Tuscaroras in Bertie County, which the commissioners shall direct.

CHAPTER XXIV.

An Act to amend an Act, intituled, "An Act to regulate and establish a Militia in this State."

I. Whereas it is found necessary to amend the said Act;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that every person who shall be legally drafted, or turn out as a volunteer, and shall fail to appear at the place of rendezvous, to serve or perform his tour of duty agreeable to law, or find a substitute to perform the same, then, and in that case, the colonel of the county is hereby impowered to hire a substitute for such person, and to issue his warrant directed to the sheriff or constable of his county, to levy the sum by him given to such substitute on the delinquent's goods and chattles, lands and tenements, and shall sell the same at public auction, first giving five days notice; and after paying the same and all charges thereon, the overplus, if any, to be returned to the owner: And if any volunteer or draft as aforesaid shall not be possessed of sufficient property to hire a substitute, such person shall be deemed and held a continental soldier for the term of twelve months, or during the war.

III. And be it enacted, by the authority aforesaid, that all persons who have heretofore faithfully served in the continental army for the term of one year, shall not be liable to be drafted until the whole of the company to which he may belong shall have performed their tour of duty in turn agreeable to the militia law; any law, usage or custom, to the contrary notwithstanding.

IV. And be it further enacted, by the authority aforesaid, that every captain who shall go on actual service, shall give a receipt to the colonel of his county for all arms and other articles furnished his company going on actual service; and in case such articles are not returned, the captain

shall be accountable for such articles, or the value thereof, unavoidable accidents excepted.

V. And whereas a considerable number of persons have lately marched as volunteers from this State, and are now in the actual service of South Carolina, and it is probable many more may follow their laudable example; Be it further enacted, by the authority aforesaid, that every volunteer who has turned out as such from this State, now in actual service in South Carolina, and who has not been called into such service under the militia law, and all others who shall turn out in the same manner, shall be intitled to the bounty, pay and rations, allowed by law to the militia of this State; and all such persons who shall faithfully serve without the limits of this State for the space of three months, shall be exempt in the same manner as persons serving as volunteers or drafts under the said law.

VI. And be it further enacted, by the authority aforesaid, that any serjeant to whom a warrant shall be directed by his colonel or commanding officer, who shall fail or neglect to execute the same, shall forfeit and pay the sum of two hundred pounds; to be recovered and applied in the same manner as other forfeitures in the said recited Act directed.

VII. And be it further enacted, by the authority aforesaid, that every cart hereafter employed in the service of this State, shall carry one half of the weight prescribed by the said Act to be a load for a waggon.

VIII. And be it further enacted by the authority aforesaid, that no Frenchman, Spaniard, British deserter, Hessian deserter, Indian or slave, shall in future be received by any militia officer as a substitute for any militia soldier or officer, under any pretense whatsoever.

IX. And whereas many disputes have arisen respecting persons who have performed their tour of duty and on their return to the State have been promoted to superior rank to that in which they served; to prevent which in future, Be it further enacted, by the authority aforesaid, that every person who hath or may perform his tour of duty agreeable to the militia law, shall not be subject to be again drafted until it comes to his turn, although such person may be promoted to superior rank from that in which he served.

X. And be it further enacted, by the authority aforesaid, that any commissioned officer, who shall be legally drafted into the service of his country, and shall refuse or neglect to appear at the place of rendezvous appointed by the commanding officer, and march on the said service, or shall after such draft resign his commission, shall by his commanding officer be put in the ranks on the division of the company in which he resides, then going into service, and shall be thereafter incapable of being appointed to any office, civil or military, in this State.

XI. And be it further enacted, by the authority aforesaid, that the colonel or commanding officer of every regiment, who shall not call a general muster of his own regiment agreeable to the directions of the before recited Act, shall forfeit and pay the sum of one thousand pounds for every default; and every captain who shall fail or neglect to muster and train his company as by the said Act is directed, shall for every default forfeit and pay the sum of five hundred pounds; and every non-commissioned officer and soldier neglecting or refusing to attend the general muster, shall forfeit the sum of twenty pounds, and if a private muster ten pounds; which several forfeitures shall be recovered and applied as other fines in the said Act are directed.

XII. And be it further enacted, by the authority aforesaid, that wherever

there is or may be any troop or company of light horse belonging to the militia in any county in this State, such troop or company shall, whenever a draft shall be ordered from the militia, furnish its proportion of men, with their horses, and in that case shall not be subject to be drafted in the foot companies.

XIII. And be it further enacted, by the authority aforesaid, that each waggon and team, with a driver, shall be allowed thirty dollars for each and every day they shall be in service, and every waggoner's discharge shall set forth the time of entering into the service, as well as the time of its being discharged, and the number of miles to return home, and also the number of days forage due from the public to such waggoner, and no waggoner who shall enter into service hereafter shall be allowed for any forage but what is certified as aforesaid; and the quarter master of each brigade shall make a just return to the General Assembly of all the forage due to the several waggoners under his command. Provided nevertheless, that when any wagon or cart, and team, shall be impressed into the service, and the owner thereof does not furnish a driver, he shall be allowed the sum of twenty dollars per day, and no more, and each cart half the sum allowed to a waggon in like circumstances; which allowance shall be considered as in full for all damages sustained, unavoidable accidents excepted.

XIV. And be it further enacted, by the authority aforesaid, that the field officers and captains, or a majority of them, shall previous to any drafts in the militia of their respective counties, hold a court of inquiry on the infirmities and inabilities of such militia as may come before them, and excuse such as they shall think unfit for the service from time to time; and that they take an oath before they proceed on such inquiry, as prescribed by law for holding court martial.

XV. And be it further enacted, by the authority aforesaid, that immediately after the passing of this Act, the captain or commanding officer of each company shall make a return of all delinquents that he may know lurking within the limits of his command, to the colonel or commanding officer of his county, who shall immediately proceed against him or them according to law; and every officer who shall neglect or refuse to do the duties by this Act required, shall for every such neglect or refusal forfeit and pay the sum of two hundred pounds; to be recovered by action of debt, before any jurisdiction having cognizance thereof, to be applied as other fines by the militia Act directed.

XVI. And be it further enacted, by the authority aforesaid, that all persons shall be drafted agreeable to the militia law, except such persons as shall produce a legal exemption, obtained without fraud or collusion, and in due time, agreeable to the several acts of Assembly made heretofore for that purpose. Provided, that such exemption shall only be had by the person who originally obtained such certificate, and no other.

CHAPTER XXV.

An Act for raising men to compleat the Continental Battalions belonging to this State, and other purposes.

I. Whereas by reason of the short inlistment of a great number of soldiers of the continental army, the continental battalions of this State are very incompleat:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that three thousand men shall be immediately recruited within this State for the term of three years, or during the war, and each and every soldier so inlisted shall have five hundred dollars at the time of such inlistment, and shall receive the same cloathing, pay and rations, that the continental soldiers are now, or may hereafter be intitled to.

III. And as a farther consideration, be it enacted, by the authority aforesaid, that each and every soldier who shall well and truly serve and perform his duty as a soldier, shall be intitled to receive at the expiration of every year the sum of five hundred dollars, to be paid him by the proper officer appointed for that purpose, and each and every soldier who shall serve out his three years, or to the end of the present war, shall have and receive one prime slave between the age of fifteen and thirty years, or the value thereof in current money, and two hundred acres of land, to be laid off as herein after located and described; and every soldier inlisted as aforesaid, who may die in the service of his country by the fate of war, sickness, accident, or otherwise, his heirs shall be intitled to receive his pay, together with the slave and land intended to be given him in virtue of this Act.

IV. And be it enacted, by the authority aforesaid, that every soldier who may be disabled in the service, and shall obtain a discharge, shall be intituled to receive the same consideration as if he had served out his full time.

V. Be it enacted, by the authority aforesaid, that all that tract or territory of land situate between the Virginia line and the rivers Tenasee and Holston, as far up as the mouth of French Broad river; thence a direct course to the mouth of Powell's river; thence a direct course to a great gap in Cumberland mountain, about twenty miles south west of the Kentucky road, where it strikes Cumberland mountain; thence a north course to the Virginia line; shall be kept and reserved to and for the use of the said State, and that it shall not be lawful for any person or persons to make entry of, or settle on any of the said lands, until they shall have permission so to do by the Legislature of the said State; and it is hereby declared that the whole of the said lands above recited are held and reserved for the express purpose of laying out therefrom such lands as this State have engaged and promised to the officers and soldiers of their several continental battalions already raised, or which may hereafter be raised.

VI. And be it further enacted, by the authority aforesaid, that if any person or persons shall presume to make entry of, or settle on any of the before recited lands, contrary to this Act, that he, she or they, so entering or settling, shall not thereby be intituled to any pre-emption of or to such lands.

VII. And be it further enacted, that no assignment of transfer made by any soldier of any thing allowed by virtue of this Act, during the continuance of the time for which such soldier may be inlisted, shall be valid.

VIII. And be it further enacted, that his excellency the Governor, upon application to him made, from time to time, may grant warrants on the treasury for all such sums of money as he may deem necessary to Brigadier General Sumner, and the brigadier general of the several districts (and in case of the absence of any brigadier, then, and in that case, to the commanding officer of the respective counties in such district) within this State, for the purpose of carrying this Act into effect; which said brigadiers shall appoint as many recruiting officers in their respective

districts, for the purpose of inlisting soldiers agreeable to this Act, as they may think proper, and may parcel out such portions of the money as they may draw for the purpose aforesaid to such recruiting officers, first taking bond, with sufficient security, for the due application and accounting for the same: And the said brigadiers, on receiving such warrants as aforesaid, shall also give bond, with approved security, to the Governor, for the due application of all money to be by them received in consequence of such warrants, and shall make an accurate return of the whole amount of the sums received, and the number of men recruited therewith, to the next Assembly; and the militia and continental officers so employed in recruiting, shall be intituled to two hundred and fifty dollars for each and every able bodied man they may inlist by virtue of this Act; and a drum and fife shall be allowed each officer employed in the said service. Provided nevertheless, that this Act shall not extend to authorize any recruiting officer to inlist any sailor, seaman, or foreigners, not citizens of this State, or the United States, previous to the passing of this Act.

IX. And whereas it hath been represented to this General Assembly, that sundry of the subjects of this State have, contrary to the laws, and in direct violation of the treaties subsisting between this State and the Cherokee Indians, settled beyond the boundary line, on the lands reserved for the said Indians' hunting ground, to their great uneasiness; Be it therefore enacted, by the authority aforesaid, that none of the said persons so unlawfully settled shall be intitled to enter, survey, or take up, any of the said lands, but that they remove themselves therefrom before the first day of January next; and if they shall refuse or delay to remove themselves, and are found on the said lands after the day aforesaid, they, and every one of them, shall forfeit and pay the sum of five hundred pounds; to be recovered in any court having cognizance of the same, to the use of the State, and be liable to be forcably removed therefrom; and the Governor, or commander in chief for the time being, is hereby authorized and required to order out such force from any of the neighboring counties as may be sufficient to effect the same.

CHAPPTER XXVI.

An Act for granting an aid to the State of South Carolina, and other purposes.

I. Whereas from the actual invasion of South Carolina by a large army of British troops, and from the weak and defenceless situation of that State, it becomes absolutely necessary that a considerable aid should be immediately detached from the militia of this State for its relief;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that his Excellency the Governor do immediately issue orders to the brigadier generals of the respective districts, in this State or in case of the absence of any of the said brigadiers from their districts, to the commanding officers of the respective counties for such district; directing that a proportional number for each county of four thousand able bodied men be immediately inlisted voluntarily by the commanding officers of the respective counties, to serve the State for three months from the time of leaving the limits thereof, and shall pay as a bounty to all such able bodied volunteers the sum of three hundred dollars; and such volunteers shall be further entitled

to the daily pay, and such subsistance which the militia when in actual service are authorized to receive; and shall be further intitled to draw upon the public commissary daily, and every day, for a jill of spirits, and be subject to the same rules and regulations as the militia now in service in the State of South Carolina.

III. And be it further enacted, by the authority aforesaid, that in case a sufficient number of volunteers cannot be had, the colonels of the respective regiments shall direct drafts to be made, agreeable to the militia law, for all deficiencies in making up and compleating the aforesaid aid of four thousand men, in a proportional manner as aforesaid; all of which drafts shall be intitled to a bounty of one hundred and fifty dollars each, and a jill of spirits per day, and shall also serve three months as aforesaid, and be subject to the like regulations.

IV. And whereas many persons lately drafted, especially of the two last aids ordered to the assistance of South Carolina, have failed or refused to march accordingly, or after marching, and continuing in service for some time, have deserted and returned home; Be it therefore enacted, by the authority aforesaid, that the colonels or commanding officers in their respective counties shall order all such persons to march agreeable to his Excellency's orders, and the militia law, and on failure, shall incur all the penalties inflicted by the militia law for disobedience of orders.

V. And be it further enacted, by the authority aforesaid, that the captains of each respective company in every county of this State do, and they are hereby required, as soon as may be, to furnish the commanding officer of their respective county with descriptive lists of the names of all the volunteers and drafts which have heretofore failed to perform their duty as directed by law: And the colonel or commanding officer of each county in this State are hereby impowered and required to send out as many light horse men, not exceeding fifteen in any county, as he may judge necessary to apprehend and take up all such delinquents as may be in his county, whether they may have been drafted from his or any other county in this State; and having so apprehended them, or any of them, to deliver all such to the commanding officer of the volunteers and drafts by this Act ordered to the aid of South Carolina.

VI. And be it further enacted, by the authority aforesaid, that the volunteers and drafted men by this Act directed to be raised shall be formed into four regiments, to be commanded by militia officers; and that the field officers and others necessary for the command of one of the said regiments shall be taken out of the district of Salisbury, and the officers necessary for the second regiment out of the district of Hillsborough, and the officers for the third regiment out of the districts of Edenton and Wilmington, and the officers necessary for the fourth and last regiment out of the districts of Newbern and Halifax, agreeable to the militia law. Provided, that nothing herein contained shall be construed to give precedency to any one of the said regiments.

VII. And be it further enacted, by the authority aforesaid, that his excellency the Governor be directed to grant warrants on the treasurers, or either of them, to the colonels or commanding officers in their respective counties, for so much money as shall appear to him to be necessary to pay the bounty proposed and held out by this Act to volunteers and drafted men, taking bond and security for the faithful application.

VIII. And be it further enacted, by the authority aforesaid, that if any colonel or commanding officer, or other person, shall advance the bounty by this Act allowed, such colonel or commanding officer, or other person,

shall be intitled to receive the sum by him so advanced, with ten per cent. interest thereon, out of the public treasury, on settlement of his account with the General Assembly.

IX. And be it further enacted, by the authority aforesaid, that his excellency the Governor do order that all the men raised by virtue of this act immediately, without loss of time, march to the asssistance of South Carolina, and continue for the space of three months as aforesaid.

X. And be it further enacted by the authority aforesaid, that Richard Caswell, esquire, be, and he is hereby constituted and appointed major general, to command the aid hereby ordered to be raised, as well as all the militia belonging to this State now in service, who shall be intitled to the same rank, pay and subsistence, as a major general in the continental army, on a separate and distinct command.

XI. And be it further enacted, by the authority aforesaid, that on or before the expiration of the service of the aforesaid four thousand men, it shall and may be lawful for his excellency the Governor, with the advice of the Council of State, in case it should appear absolutely necessary to send to the assistance of South Carolina any further aid not exceeding four thousand men, to be raised and sent out on the same terms, and under the same rules and regulations, in this Act directed for the militia now ordered out for the assistance of South Carolina.

XII. And be it further enacted, by the authority aforesaid, that one hundred and five of the militia to be by this Act raised be formed into three troops of light horse, each troop to consist of thirty five privates (no horse to be admitted in either of the said troops under fourteen hands high) to be apportioned to the several districts in the following manner, viz. Salisbury thirty five, Hillsborough seventeen, Halifax eighteen, Edenton twelve, Newbern twelve, and Wilmington eleven.

CHAPTER XXVII.

An Act to prevent armed, and other Vessels, leaving the several Ports, Harbours, and Quays, within this State.

I. Whereas the operations of the enemy in the State of South Carolina induce a belief that this State may be shortly invaded, and the unprepared situation of the same to make defence against them, makes it necessary immediately to fall upon some effectual expedient to procure warlike stores for the defence of said State; and it appears the most certain mode will be to dispatch armed and other vessels to the West India islands to procure said stores, which will be best effected by laying an embargo:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that from and after the passing of this Act, it shall not be lawful for any armed or other vessel, to leave any port, harbour or quay, within said State, within the term of forty days, except such vessels as are actually in the service of this State, or the United States: And any owner, or other person under whose direction any such vessel is, suffering or permitting such vessel to depart the state contrary to the true intent and meaning of this Act, shall forfeit and pay the sum of one hundred thousand pounds currency; to be recovered by any person who shall sue for the same, by action of debt, in any court of record, one half thereof to the use of the State, the other half to the prosecutor.

III. And be it further enacted, by the authority aforesaid, that the commercial agent be, and he is hereby authorized and impowered, to impress, or cause to be impressed, by warrant under his hand and seal, directed to any person whom he may deem adequate to the execution thereof, all such vessels, together with their sails, rigging, tackle, apparel and furniture, as he may judge proper for the service of this State, directing them at the same time to be valued in the same manner as waggons impressed into the service of this State are directed by the militia law to be valued. Provided, nevertheless, that this Act shall not extend to authorize the impressing any vessel or vessels, wholly the property of any foreigner or foreigners. Provided also, that this Act shall not extend to debar small crafts running to and from any ports of this State.

IV. And be it further enacted, by the authority aforesaid, that the said agent be, and he is hereby required, to transmit printed or written copies of this Act, as soon as may be, to the several naval officers within this State, as also to the respective towns and sea ports, as he may judge proper.

V. And be it further enacted by the authority aforesaid, that if the captain or owner of any vessel shall refuse to deliver up the same to the officer when impressed or required, with the sails, rigging, tackle, apparel and furniture, he or they so offending shall forfeit and pay the sum of one hundred thousand pounds; to be recovered and applied in manner herein before directed.

VI. And be it further enacted by the authority aforesaid, that it shall and may be lawful for the Governor, with the advice of the Council of State to suspend from time to time the restrictions by this Act imposed on the departure of vessels from this State, as they in their discretion may judge necessary.

CHAPTER XXVIII.

An Act for protecting and encouraging the Commerce of Nations acknowledging the Independence of the United States of America.

I. For preserving friendship and harmony with those nations who have acknowledged, or shall hereafter acknowledge, the independence of the United States of America, speedily determining disputes wherein their subjects or citizens are parties, and protecting and encouraging their commerce within this State;

II. Be it enacted by the General Assembly, and it is hereby enacted by the authority of the same, that it shall be lawful for the governor, with the advice of the council, to receive and admit, from time to time, a consul or consuls appointed by any such state to be resident within this State, such consul, if he were not a citizen of this State at the time of receiving his appointment, shall be deemed a subject or citizen of the State by which he was appointed, and shall be exempted from all personal services required by the laws of this State from its own citizens; and if he shall do any act which by the laws of this State would subject him to criminal prosecution, it shall be lawful for the Governor, with the advice of the Council, in their discretion, either before the prosecution instituted, or in any stage thereof, to remand such consul to his own sovereign or State for punishment, and for that purpose to command him to be delivered by any civil officer in whose custody he may be: It shall be lawful for the said consul to take

cognizance of all differences and controversies arising between subjects and citizens of his own State only, and finally determine and compose them according to such rules and laws as he shall think fit, and such determinations to carry into execution: And where he shall require aid for executing the same, it shall be lawful for the governor, with the advice of the Council, using their discretion, to order any sheriff within his own county, or any military officer whatsoever, to execute, or to aid and assist in, executing any such determination, provided the same does not extend to life or limb of the offender. Where any sailor, seaman or marine, belonging to any vessel of such State within this State, shall desert or inlist in the service of this State, or of the United States, or be found wandering from his vessel, it shall be lawful for the master of such vessel to reclaim such sailor, seaman or marine, notwithstanding such sailor, seaman or marine, may in the mean time be naturalized in this State; and any justice of the peace to whom the master may apply, shall grant his warrant for taking and conveying such sailor, seaman or marine, from constable to constable, to the said vessel, or on application from the consul, the governor, with the advice of the Council, may issue such orders to any sheriff, constable or military officer, who shall yield due obedience thereto.

III. And be it further enacted by the authority aforesaid, that any suit commenced in the Superior Court by or against any subject or citizen of such State, shall be heard or tried in the term to which the process shall be returned regularly executed, or so soon as may be, and to this end subsequent process may issue to compel appearance returnable to any day in the same term, and rules to bring the matter in dispute to speedy issue may be given, to expire at any shorter time than what is prescribed in ordinary cases: If such suit be commenced in the County Court it may, without any other reason on the motion or petition of either party, be removed by writ of certiorari into the Superior Court of the district, and the hearing or trial thereof shall be accelerated by like means as if it had originated in such Superior Court: and the Superior Court shall determine every such suit brought before them by writ of error or appeal, with all the expedition which the necessary forms of their proceedings will allow.

Read three times, and ratified in General Assembly, the tenth day of May, Anno Dom. 1780.

ALEX. MARTIN, S. S.
THOMAS BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1780.

At a General Assembly, begun and held at Hillsborough on the fifth day of September, in the year of our Lord one thousand seven hundred and eighty, and in the fifth year of the independence of the said State: Being the second session of this Assembly. *Abner Nash, Esq.*, Governor.

CHAPTER I.

An Act for levying a specific Provision Tax on all the inhabitants of this State, for the support of the Army and Navy of this and the United States in the Southern Department.

I. Whereas from the operations of war in this and the neighboring States, it becomes difficult by purchase alone, to supply the army and navy with a sufficient quantity of provisions and other necessaries:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a specific provision tax be levied on all the inhabitants of this State, in addition to the pecuniary tax for the current year, in the following manner, viz., that each and every inhabitant of this State shall for every hundred pounds value of his or her taxable property, contribute and pay to the commissioner of his respective county, one peck of Indian corn, or half peck of wheat, or five pounds of good flour, or one and one fourth pecks of clean oats, or three fourths of a peck of rye, or one peck of rough rice, or one third do. clean rice, merchantable, or three pounds of good pork, or two pounds of fatted do., or four and a half pounds of good beef, and shall be bound and obliged severally to convey and deliver at such places, warehouses or magazines, not exceeding three within the county (the county of Rowan excepted, and in that not exceeding four) as may be ordered and directed by the commissioner of each respective county, and that any person who shall delay or refuse, after tenth day of January next, to advance and deliver his or her proportion of the specific tax in some of the before enumerated articles, agreeable to the true intent and meaning of this law, the collector of the district shall and may, by warrant from the commissioner, make distress, seizure and sale, of the goods and chattels, lands and tenements, of all persons so refusing or neglecting, sufficient to purchase double the quantity of such specific supplies at the highest prices then in the district. Provided nevertheless, that the inhabitants of Carteret county may deliver one gallon of salt in lieu of any one of the enumerated articles by this Act directed to be paid. Provided also, that no collector shall be obliged to lay out the sums he may so receive for enumerated articles aforesaid, but shall settle and account with the said commissioner for the same, and that the said collector shall be entitled to take and receive for every seizure or distress the sum of twenty five dollars.

III. And be it further enacted, by the authority aforesaid, that all Quakers, Moravians, Menonists, Dunkards, taxable polls and non-jurors, shall be taxed, and shall pay and deliver in the specific enumerated articles as aforesaid in the same proportion as by the pecuniary tax law

for the present year they are bound and obliged to do. Provided, no person shall be considered a non-juror, except such who, having been lawfully called on, have refused to take the oath of allegiance to this State.

IV. And be it further enacted, by the authority aforesaid, that immediately after the passing of this Act, the sheriff of each county in this State, shall summons the justices within his county to meet at the court house on some certain day, within five days next after such notice, who having met, or any five of them, shall and are hereby required to nominate and appoint a proper person to be commissioner of each county for carrying the purposes of this Act into effect, and from time to time fill up any such vacancies as may happen; the said commissioner before entering upon the duties of his office, shall give bond, with two or more sufficient securities, payable to the Governor or commander in chief for the time being, and his successors, in the sum of ten thousand Spanish milled dollars, with the following condition:

The condition of the above obligation is such, that whereas the above bounden is nominated and appointed commissioner for the county of ———— for collecting provision taxes, and purchasing and procuring supplies of provisions, pursuant to an Act of the General Assembly intitled, "An Act for levying a specific provision tax on all the inhabitants of this State for the support of the army and navy of this and the United States in the southern department." Now if the said ———— shall well and faithfully perform all the several duties enjoined on him by the said Act in the manner therein prescribed, then the above obligation to be void, otherwise to remain in full force and effect.

And shall also take the following oath before some justice of the county, and obtain a certificate thereof, to-wit,

I, A. B. do swear, that as a commissioner for receiving and procuring specific provision supplies for the county of ————I will, well, truly, and faithfully execute the trust reposed in me to the best of my skill and ability, according to law; and that I will not, directly or indirectly, purchase or procure for my own use, or for the use of any other person or persons (articles for my own family use and consumption excepted) any of the above enumerated articles, during my continuance in said office, otherwise than is by this act directed. So help me God.

V. And be it further enacted, by the authority aforesaid, that the commissioner for each county respectively shall have power and authority to rent, hire or seize, for the use of the public, warehouses, stores and other enclosures for the purpose of storing and keeping safe the said enumerated articles, and shall give receipts for all such specific provision supplies as may be received in taxes aforesaid, and shall keep particular and exact accounts of the same.

VI. And be it further enacted, by the authority aforesaid, that the commissioners in each county are hereby authorized and required, as soon as may be, to purchase on account of this State, all such quantities of beef, pork, flour, Indian corn and oats, as any of the inhabitants may be willing to supply at the prices ascertained by resolve of the continental congress, bearing date the 25th of February 1780, viz., beef five and half dollars per hundred, fresh pork well fatted seven dollars per nett hundred weight, fatted pork per barrell twenty dollars, fatted beef seventeen and a half dollars per barrell, flour four and a half dollars per each 112 lbs., good wheat one dollar and a half per bushel, Indian corn three fourths of a dollar per bushel, oats half a dollar per bushel, giving the owner

indented certificate for such purchased supplies in the form of the following, to-wit, State of North Carolina, ———— county. This may certify, that as commissioner for the county aforesaid I have purchased from ———— at the prices ascertained in Spanish milled dollars by a resolve of Congress, dated the 25 of February, 1780, amounting in the whole to ———— Spanish milled dollars, which sum is to bear interest at five per cent. until paid, agreeable to an act of the General Assembly in such case made." Which certificates shall bear the said interest of six per cent., be free and exempt from a public tax, and shall be paid and redeemed by the General Assembly of this State on or before the first day of September, 1782, in Spanish milled dollars, or in Continental or State currency, equal in value to such Spanish milled dollars as aforesaid.

VII. And be it further enacted, by the authority aforesaid, in case any person shall be possessed of more of any of the said articles than will be sufficient for his or her, or their family use, or for the discharge of his or her specific tax, and shall refuse to sell the one half of the residue, then, and in such case, the said commissioners are hereby required to call on the nearest justice and two free holders who shall determine what quantity may be sufficient for the use and consumption of the family of such person or persons; which said justice and freeholders shall give and deliver to the commissioner a certificate or memorandum of the remaining quantity of such article or articles in the hands or possession of the person or persons so refusing to sell as aforesaid, which said commissioner is hereby directed and required first to demand admittance into, and in case of refusal, to break open in the day time, if necessary, all houses and enclosures, and seize and impress the one half of the aforesaid certified articles, whereupon he shall give a certificate to the owner, in order that satisfaction may be made for the same, agreeable to the directions to this act, and also hire or impress horses, wagons, carts, and boats, belonging to his county sufficient for transporting to the county warehouses, all such articles as he may have so purchased or impressed; and the commissioners are hereby respectively required to make application to the board of war for such quantities of public salt as may be necessary for salting up the fresh provisions they may receive, also to purchase barrels, and finally to do everything necessary for the safe keeping all such provisions as may be collected or received in virtue of this act.

IX. And be it further enacted, by the authority aforesaid, that the treasurer of each district shall furnish the commissioners of every county in the same, with a sum not exceeding five thousand pounds, to enable him to perform the several services required of him by this act for which said sums, together with the amount of the provisions, which may be purchased, impressed or received, by virtue of this act, the said commissioners respectively shall account with the General Assembly of this State; and each commissioner as aforesaid shall make quarterly returns, or oftener if required, to the board of war, or in case a board of war should not be established in this State to the Governor for the time being, for all supplies by him received, either by provision taxes or purchases or impressment, as aforesaid.

X. And be it further enacted, by the authority aforesaid, that each commissioner hereby appointed shall be allowed five per cent. on the value of all such articles as he shall or may have received as provision taxes, and also five per cent. on the articles purchased or impressed by virtue of this act exclusive of his necessary public expenses, which allowances are

hereby declared to be in Spanish milled dollars, and each respective commissioner having settled his accounts with the board of war, or the General Assembly, shall be intitled to receive certificates on the same security, and of the like tenor, as hereinbefore directed.

CHAPTER II.

An Act for raising money on loan for the immediate support of the Army, and levying an additional tax for the year one thousand seven hundred and eighty, and for other purposes.

I. Whereas supporting a large body of troops, absolutely necessary for defending this State from the ravages of the British army, hath already, at the present high prices of all necessary articles, called out of the treasury the greatest part of the currency lately emitted, and it being found by experience that emitting further sums would have a tendency to increase the prices of necessaries, and be greatly injurious to the public.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the public treasurers of this State respectively are hereby authorized, impowered and required, to receive on loan into the public treasury all such sums of money as any of the good people of this State shall be willing to supply, and which may be actually deposited into the hands of such treasurers on or before the fifth day of May next ensuing, giving to such person or persons indented certificates for the amount of the sum so lent, which certificate shall bear an interest of five per cent. per annum, and be free and exempt from a public tax. Provided, nevertheless, that no one of the said public treasurers shall receive on loan a greater sum than one million of pounds in virtue of this act.

III. And be it further enacted, by the authority aforesaid, that the holders of all such certificates issued by the treasurers agreeable to the directions of this act, shall be paid the amount thereof, with interest, by the General Assembly of this State, on or before the first day of May, in the year one thousand seven hundred and eighty two, together with the depreciation, if any, so as to secure him or them from loss in the value of the money lent.

IV. And be it further enacted, by the authority aforesaid, that all such certificates, with interest thereon, shall be received in payment of taxes and other public demands at the option of the holders. And in case any person whatsoever, shall by printing, writing, engraving or otherwise counterfeit, or attempt to counterfeit any certificate issued by any of the treasurers agreeable to this act, or shall alter or deface any such certificate with intention to change the value or denomination thereof, or shall knowingly pass or utter any counterfeit likeness of any of the said certificates, being thereof lawfully convicted on verdict, or shall stand mute, every such person shall suffer death without benefit of clergy.

V. And be it further enacted, by the authority aforesaid, that the public treasurers respectively shall be accountable for all such sums of money as they may receive in consequence of this act as for other public monies, and shall make returns to his excellency the Governor of all such sums; for which additional trouble and expense in the duty of their office they shall be allowed by the General Assembly.

VI. And be it further enacted, by the authority aforesaid, that for the present year an additional tax, equal to double the amount of the public tax which the inhabitants of this State respectively are now liable by law to pay for the year one thousand seven hundred and eighty be levied on all the taxable property of this State, the particular articles of money or money at interest only excepted, and the county treasurers and collectors of the different districts of each county in this State are hereby authorized, and expressly required, to collect and account for the said additional tax at the times and in the same manner, as the tax heretofore paid for the year one thousand seven hundred and eighty was by law directed to be collected and accounted for.

VII. And be it further enacted, by the authority aforesaid, that in every county in this State where assessors of taxable property for the years one thousand seven hundred and seventy nine and one thousand seven hundred and eighty, or either of them, have not been appointed, or have failed to assess the property agreeable to law, it shall be lawful for the chairman of the court, together with two other justices of such county, to meet and appoint other assessors who shall assess the value of the taxable property of their respective districts, and make return thereof to the clerk of the county court, who is hereby directed to furnish the collectors with the assessments of their respective districts.

CHAPTER III.

An Act for the speedy Trial of all persons accused of Treason against this and the United States, and for other purposes.

I. Whereas most of the county gaols in this State are insufficient to contain any number of prisoners, as well with respect to their size as their strength, and where there are district gaols, the most of them are already crowded with prisoners of divers kinds, and whereas the armies of the enemy, now in the State of South Carolina, preparing to carry the war into this State, makes it highly necessary that some method for the speedy trial of traitors should be adopted and enforced.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that when any person or persons, shall hereafter be accused of treason or where any person or persons owing allegiance to this State, shall be bound in arms, opposing or intending to oppose this State or the United States, or committing any other crime which by the laws of this State is defined to be treason, it shall be lawful for the magistrates of any county in this State, although such county shall be distant from, or in a different district, from that in which such person or persons may be taken, or have committed such treasonable crime, or any three of them, to order and direct the proper officer to summon a grand and petit jury, being free holders, to attend at such time as the said justices shall appoint, and to cause to be preferred bills of indictment against all such traitors as shall be taken or accused as aforesaid; and such justices are hereby empowered to hear, try and determine, all treasons against this State, and against the United States, which shall be committed within their jurisdiction, and shall pass sentence on, and order immediate execution, if necessary, of all such offenders who shall be convicted or stand mute.

III. And be it further enacted, by the authority aforesaid, that in case of a default of jurors attending at any of the said courts, it shall be

lawful for such courts to direct the sheriff or coroner of the county, as the case may require, to summon of the bystanders other persons, being freeholders, to complete the said juries or any of them; and that on the trial by the petit jury no challenges shall be allowed, unless the causes be shewn, any law or usage to the contrary notwithstanding.

IV. And be it further enacted, by the authority aforesaid, that council shall not be allowed on trial in any of the said courts either for or against the prisoner, nor shall any prisoner arrest judgment for any defect or want of form in the bill of indictment, or other proceedings so that there is sufficient substance to convict such prisoner. Provided always, that every prisoner shall be at liberty to make his own defence, and to demand summonses to inforce the attendance of his witnesses, and a reasonable time to prepare for his trial.

V. And be it further enacted, by the authority aforesaid, that the said courts shall be continued by adjournments from day to day, until all the prisoners shall be tried, discharged or re-committed, as the court may direct. Provided always, if the said courts, or any of them, should think proper to remit the trial of any offender or offenders and send him or them to the Superior court, such offender or offenders may be accordingly sent under a sufficient guard to be tried by the court of the district where he committed the offence; and all persons which shall be taken near the term time of any Superior court, shall be sent to such court for trial as in other cases.

VI. And be it also enacted, by the authority aforesaid, that all jurors to be summoned to any of the said courts, shall be subject to the same fines and penalties as the jurors summoned to the Superior courts are subject to for the non-attendance at the said Superior courts; and that every justice of the peace who shall refuse when required to attend and act as a judge in any of the said courts, shall forfeit and pay five thousand pounds. Provided always, that if any justice of the peace shall be concerned in taking any traitor to be tried as aforesaid, or shall be the accuser of any person to be tried under this act, such justice shall not be admitted to sit as a judge on the trial of such traitor or accused person, anything hereinbefore mentioned to the contrary notwithstanding.

VII. And be it further enacted, by the authority aforesaid, that the person who may be appointed to act as clerk on any trial under this act, shall draw up the charge or charges against the offender in a plain, distinct and comprehensible manner, and also shall read and present the same to him, the said clerk not being considered as confined to the strict forms of bills of indictment used in like cases in the Superior Courts in this State.

VIII. And be it further enacted, by the authority aforesaid, that upon every conviction the court shall order the sheriff, or other proper officer, to seize and take into his possession, and make an inventory of all the offenders estate, real and personal, and transmit the same to the General Assembly at their next session. Provided always, that the court shall make such provision for the maintenance of the wife and children, if any, of the convicted traitor, as by the treason act is directed.

IX. And be it further enacted, by the authority aforesaid, that this act shall be and continue in force until the end of the next session of the General Assembly and no longer.

CHAPTER IV.

An Act for securing the quiet and inoffensive inhabitants of this State from being injured, for preventing such property as hath or may be confiscated from being wasted or destroyed, and for other purposes.

I. Whereas, great and frequent complaints have been made, that many acts of violence and barbarity have been lately committed in divers counties of this State, under pretence of seizing the property of disaffected persons, and of those who have joined, or are supposed to have joined the enemy, and under various other pretences and it is suggested that these unwarrantable depredations have been carried so far as to deprive many poor people of their kitchen utensils, and even of some part of their wearing apparel; and whereas persons have unlawfully seized upon, and carried away negro slaves, and other valuable effects, which fall within the description of confiscated property, with intention as it is suggested, of applying the same to their own particular use, and many slaves are said to be conveyed to distant parts, and others have been publicly sold, in violation of law and justice. That the public may not therefore be defrauded, and that the quiet and inoffensive inhabitants may be protected and redressed;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the commissioners of confiscated estates in every county of this State, and where there are no lawful commissioners, the sheriff or coroner of the county, shall seize and take into his or their possession all the confiscated property in his or their respective counties, not claimed by any other person, and shall secure the same, to be hereafter applied as the General Assembly shall direct; and it is hereby declared, that the property of all persons, who may at any time have joined, or shall hereafter join or attach themselves to the enemy, shall be comprehended within the meaning of this act.

III. And be it further enacted, by the authority aforesaid, that no person or persons whatsoever but the commissioners of confiscated estates in each county, or for want of lawful commissioners, the sheriff or coroner, shall have any authority to take possession of any confiscated property, and every person offending, or who hath already offended, in the premises on their refusal to deliver the same, shall forfeit and pay treble the value of the property so illegally seized as aforesaid; to be recovered by action of the debt, in the name of the Governor, and shall moreover be compelled to make restitution of all property so illegally taken as aforesaid and in default thereof, shall suffer imprisonment at the discretion of the court.

IV. And be it enacted, by the authority aforesaid, that the Governor or commander in chief for the time being, or the board of war, shall take such measures as to them shall appear necessary for inforcing the execution of this act, and shall cause all offenders therein directed to be prosecuted and punished agreeable to the directions thereof.

V. And whereas no provision has been made in the several counties of this State for the hiring out for the benefit of the State, negroes seized under the confiscation law; Be it therefore enacted by the General Assembly of the State, and the authority of the same, that where no provision has been made adequate to this purpose, or such provision not carried into execution, that the sheriff, or coroner, if there is no sheriff, shall be impowered to hire out until the first day of February, such negroes to the highest bidder, at public auction, at the court house, after giving ten days notice.

VI. And whereas divers evil disposed persons, taking advantage of the present unsettled state of public affairs, and under pretence of distressing the enemies of the United States, make a practice of going into the State of South Carolina, plundering and committing depredations upon all persons indiscriminately, and bringing the plundered property into this State, whereby many faithful citizens of that State are reduced to the most distressing circumstances: In order to prevent such unlawful and cruel proceedings, Be it enacted by the authority aforesaid, that all property heretofore brought, or that may hereafter be brought, from South Carolina by any person or persons residing in this State, shall be seized by the sheriff of the county to which the same shall be brought and the commanding officer of the county shall, if required, assist the sheriff with such aid as may be necessary for that purpose; and all such property shall be safely kept and secured, and returned to the owner, if it shall appear that such owner is a faithful citizen of any of the United States, but if otherwise, shall remain in the hands of such sheriff, to be applied to the use of the State, in such manner as the General Assembly may hereafter direct: And every person or persons who shall offend against this act, by plundering as aforesaid, shall upon conviction thereof, for the first offence receive thirty nine lashes upon his bare back, and for the second offence shall be deemed guilty of felony, and shall suffer death as a felon, without benefit of clergy.

VII. And be it further enacted, by the authority aforesaid, that any person or persons, formerly inhabitants of the State of Georgia, who have taken refuge in this State, shall be, and they are hereby exempted from the payment of any taxes whatever to this State for the present year, any law to the contrary notwithstanding.

CHAPTER V.

An Act to prevent the Impressment of Boats, Waggons, Carts and other Carriages, employed in carrying Salt, and for other purposes therein mentioned.

I. Whereas the distress of the inhabitants of this State, arising from the scarcity of salt, are greatly increased by the impressment of boats, carriages and horses employed for the purpose of procuring salt: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that no boat, waggon or cart, or other carriage, or any horse or horses employed in drawing any carriage, going to, or returning from any place where salt is usually procured, and observing the directions hereinafter prescribed, shall be liable to be impressed by any person or persons whatsoever except in the cases hereinafter mentioned.

III. And in order that such boats, waggons, and other carriages intending to transport salt from the places where the same may be procured into the interior parts of the country, may be known: Be it enacted by the authority aforesaid, that the person or persons, going with, or sending, such boats, waggons, or other carriages, shall make affidavit before any justice of the peace of the county from whence such boats, waggons or other carriages shall go, that his or their principal intention is to procure salt as aforesaid, which affidavit produced, to the first convenient acting quarter master on their intended route, or at the place of the destination of such

boat, waggon, carriage, shall intitle the bearer to a protection from impressment; and every quarter master is hereby required to grant such protection, and until a protection can be procured, the affidavit shall be deemed sufficient to answer the purposes of a protection.

IV. Provided always, and be it enacted, by the authority aforesaid, that in cases of necessity, when the public safety is in danger, or extraordinary exertions are requisite to annoy the enemy, the board of war may order impressments to be made of all boats, waggons, and other carriages, horses and other things, without exception; anything in this act to the contrary, notwithstanding.

V. And be it further enacted, by the authority aforesaid, that if any magistrate or quarter master shall refuse to perform the requisites by this act directed, such magistrates or quarter master shall forfeit and pay to the person aggrieved the sum of one thousand pounds; to be recovered by action of debt, before any jurisdiction having cognizance thereof: And if any person or persons shall make any seizure or impressment contrary to the true intent and meaning of this act, such person or persons shall for every such impressment forfeit and pay the sum of one thousand pounds to the party grieved; to be recovered as aforesaid and shall be further liable to the action of the party.

VI. And be it enacted, by the authority aforesaid, that in case any person shall produce or offer as a protection for any boat, waggon, carriage or team any forged, false or altered affidavit or protection every such person, being thereof lawfully convicted, shall forfeit all such boat, waggon, carriage or team, as he may then be possessed of, and for which he claimed protection, or the full value thereof; to be recovered by action of the debt, in any court having cognizance thereof, and applied one half to the use of the informer, and the other half to the use of the county where the trial may happen.

VII. And be it enacted, by the authority aforesaid, that this act shall continue and be in force for and during the space of six months, and from thence to the end of the entire session of the General Assembly.

CHAPTER VI.

An Act for suspending the operations of an Act, for carrying into effect an Act, commonly called the Confiscation Act.

I. Whereas, from the unsettled state of public affairs and from the fluctuating state of the currency, as well as from other causes, the Act directing the sale of confiscated property has not answered the purposes intended thereby, and the army of the enemy now in the State of South Carolina, would occasion the said property to sell greatly under its intrinsic value, and whereas the lands confiscated to the State would, if reserved, establish a valuable and permanent fund, either for supplying the army and navy with provisions, or for establishing a paper currency, which would in all probability maintain its original value.

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the operation of an act, intitled, An Act to carry into effect an Act passed at Newbern in the year one thousand seven hundred and seventy seven, intitled, An Act for confiscating the property of all such persons as are inimical to this or the United States, and of such persons as shall not within a certain time therein mentioned appear and submit to the State

whether they shall be received as citizens thereof, and of such persons as shall so appear and shall not be admitted as citizens, and for other purposes therein mentioned, and for other purposes," and the powers of the commissioners appointed under the said act, be and are hereby, suspended, and shall continue suspended, and of no effect, from and immediately after the passing of this Act, until the end of the next session of the General Assembly.

III. And be it further enacted, by the authority aforesaid, that in the mean time the commissioners appointed in the several counties by virtue of the said act, do account with and pay to the treasurers of their respective districts, agreeable to the directions of the same act, all the monies which may be now remaining in their hands, received for confiscated property by them sold and disposed of; and such commissioners as refuse or neglect to do so, shall be prosecuted agreeable to the directions of the said act.

IV. And whereas it is necessary that the General Assembly should be informed of the different kinds and quantities of confiscated property in the State, in order that the same may be applied to the most beneficial purposes for the public use; Be it therefore enacted, by the authority aforesaid, that the commissioners of the respective counties (and where no commissioners have been appointed, or where appointed have declined qualifying, then the sheriff of such county) shall return to the next session of the General Assembly a separate list of the property of every person who comes within the confiscation acts, or any of them, which shall be found within their respective counties; which list shall be figured by such commissioners or sheriffs, and shall contain all the lands, houses and other real estate, slaves, horses, hogs, neat cattle and sheep, and other movable property, confiscated by any act or acts of the General Assembly, and how much of the same hath been sold under the said acts, or claimed by other persons.

V. And be it enacted, by the authority aforesaid, that the several commissioners shall, in the meantime, compleat the titles of such sales as they may have bona fide made agreeable to law, anything in this act to the contrary notwithstanding.

CHAPTER VII.

An Act for quieting such persons as may suffer in their titles and claims of Lands, by reason of the extension of the boundary line between this State and the Commonwealth of Virginia.

I. Whereas from the extension of the dividing line between this State and the commonwealth of Virginia, lands claimed under the authority and sanction of the laws of Virginia are found to fall within this State, though deemed, when patented and surveyed, to lie within the then colony of Virginia; and whereas sundry persons have proceeded to make entries on the said patented and surveyed lands as aforesaid, whereby divers persons, patentees and claimants aforesaid, are likely to be greatly injured in their just rights; and whereas it is right policy to do equal justice, and grant reciprocal advantages, to citizens whose States are in Union.

II. Be it enacted therefore by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that all entries made within the limits of the said patented and surveyed

lands as aforesaid, shall and are hereby declared to be suspended until the end of the next session of the General Assembly of this State and the entry takers and surveyors of the counties of Washington and Sullivan are enjoined and required, at their peril to desist from any further proceedings on the said lands.

CHAPTER VIII.

An Act to Amend an Act, intitled, An Act to establish a Board of Auditors for settling and adjusting the public accounts of this State, and other purposes.

I. Whereas, by the before recited act no provision is made for the filling up of vacancies, occasioned by the death, removal, or refusal to act, of the persons appointed auditors under the same; whereby the good intention and meaning of the said act may be entirely frustrated;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same that in the before mentioned cases of any of the persons appointed auditors under the said act, the General Assembly by a joint resolve of both houses, may occasionally appoint another person or persons to fill up the vacancies aforesaid; and if any vacancy should happen during the recess of the General Assembly, the Governor, with advice of the council of the State, may make a temporary appointment, to be in force until the General Assembly shall meet and take such appointment under consideration; and all auditors appointed to fill up any vacancy, shall take the oath appointed by the before recited act.

CHAPTER IX.

An Act to repeal an Act, intitled, An Act for the more effectually preventing Engrossing and forestalling, for the encouragement of Commerce and the fair Trader, and for other purposes therein mentioned.

I. Whereas, by experience, it is found that the above recited act hath not produced the good effects intended, being fraught with many inconveniences, prejudicial to commerce, and the good people of this State;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the before mentioned act, and every part thereof, be henceforth repealed and made void.

III. Provided nevertheless, that it shall not be lawful for any person or persons, other than the commissioners of the counties or persons purchasing for the use of the army, to engross or purchase any provisions, except for his family use and consumption, until after the first day of November next, anything in this act to the contrary notwithstanding; and if any person or persons shall offend against this act, he or they shall forfeit the value of such purchase; to be recovered by action of the debt, in the name of the Governor, one moiety to the informer, and the other moiety to the State.

CHAPTER X.

An Act for Establishing a Board of War, and other purposes.

I. Whereas it is expedient that a board of commissioners be appointed for the more effectually and expeditiously calling forth the powers and resources of this State, and disposing the same in such manner as to enable the generals and commanders of the troops which shall be employed against the common enemy to act with vigour and precision;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is enacted by the authority of the same, that there be a board elected, which shall consist of five commisioners, to be chosen by joint ballot of both houses of the General Assembly, which board shall be stiled a board of war, and shall sit at the most conventient places within this State for effecting without delay the purposes intended by this act; that the said board be impowered to correspond with the commanding officer of the forces of this State, which are or shall be in actual service, and with him to concert a general plan of operations for the defence of the said State, such plans to be as nearly consistent with those formed by the Continental commander, as circumstances will admit, to call upon all and every the officers of this State for return of men, arms, horses, carriages, provisions and stores of all kinds, and to direct and order the procuring of all such articles as shall be necessary for compleating and keeping up competent magazines of necessaries for carrying on with effect the military operations which shall be undertaken for the defence of this State, and the neighboring States; and to make requisitions to the Governor or commander in chief for the time being, of all such aids and reinforcements, and to demand of the county commissioners, and all others, possessed of provisions, arms, ammunition, carriages, and other articles, necessary for the supply, equipment, march, or armament of the forces destined for the defence of this and the United States, which said articles belong to the public of this State, or have been by such commissioners or others procured in execution of public appointments, or by the direction of the State, for the use of the same; and such commissioners and others, upon such requisition made, failing to deliver the same, shall be deemed guilty of misbehaviour in office and subjected to the penalties ordained by law for other failure or neglect in the said office, and be held hereafter incapable to hold the said office, or any other, civil or military, within the State; also to superintend all such officers as may be employed within this State for procuring supplies of provisions, forage, or other necessaries, on public account, to direct and order the said officers in the manner of performing their respective duties.

III. And be it enacted, by the authority aforesaid, that the said board be impowered and required to remove or suspend, as they shall think proper, all officers in the State department, and to appoint others in their respective places.

IV. And be it also enacted, by the authority aforesaid, that it shall and may be lawful for the said board to cause plans and surveys to be made at the public expense, of all posts, passes, routs, positions, and other places, where it may be deemed necessary to employ troops, erect defences, dispose posts, or detachments, or carry on military operations, also to obtain information relative to the designs and movements of the enemy; and the said board, or any three of them, are hereby declared to have full power to act as such.

V. And whereas this State is likely to become the theatre of war

and the honorable the Congress have recommended that in such cases it is proper and necessary the General Assembly should sit constantly or vest sufficient powers in the executive department to answer all the immediate exigencies of the State; Be it therefore enacted, by the authority aforesaid, that it shall be lawful for the executive department to take, pursue and execute, any measures which the said board of war shall, agreeable to the restrictions of this Act, direct, as necessary and expedient for the public security.

VI. And be it enacted, by the authority aforesaid, that the said board be impowered to appoint a secretary, and as many clerks as they may find necessary, for their expences, and the expenditures of the said board; which warrants are to be made payable to the secretary of the board, who is to be accountable for the same to the General Assembly.

VII. And be it further enacted, that in case any of the said commissioners should die, remove out of this State, or refuse to undertake the duties of his appointment, it shall and may be lawful for the Governor, with the advice of the council, to appoint some other person a commissioner, in place of the commissioner so dying, removing, or refusing to act, who shall, in virtue of his appointment and acceptance thereof, be invested with all the powers hereby granted to any one of the commissioners appointed by the General Assembly.

VIII. And whereas it may not be expedient that an Act passed this session, intitled, An Act for the trial of all persons accused of treason against this and the United States, be immediately carried into execution: Be it therefore enacted, by the authority aforesaid, that the said Act shall not operate, or be binding upon the subjects of this State, or any others, until the Board of War shall recommend, and the Governor, under the seal of this State, shall announce the expediency of carrying the said law into execution, and then and not until then, such law shall be in full force and virtue.

IX. And whereas, in the recess of the Assembly, it is necessary that a power should be lodged in the Board of War for the purpose of calling to account all commissioners and contractors, and all other persons who have received public monies, and have not fully accounted for and settled the same; Be it therefore enacted, by the authority of the aforesaid, that the Board of War shall have full power and authority to call upon all commissioners and contractors and all other persons who have been intrusted with, or received public monies, without fully accounting for the same, and compel them to settle their accounts, and pay up any surplus monies remaining in their hands, the property of the State; and all persons so called upon, who after ten days notice shall fail to settle and account, or having so settled and accounted, shall fail to pay up arrears, the Board of War shall be authorized to enter judgment in any county court of this State; the bonds of such debtors in judgment for the penalty thereof, such penalty to be discharged upon the payment of principal, interest, the depreciation and costs, which depreciation the juries are hereby respectively authorized and required to assess: In all cases where balances may be tendered to the Board of War, and disputes arise respecting the allowance for depreciation, the Board of War shall choose three indifferent persons, and the party three, who shall be considered as a jury, and be sworn by a justice of the peace, and the damages and depreciation by them assessed considered as a balance in such case due; which verdict, deliverd to the Board of War in writing, shall operate and take effect as

judgment bond, and may be entered up in any court having cognizance thereof, and execution issue thereon.

X. And be it further enacted, that the Governor for the time being, shall have full power to convene to such places, and at such times as he shall think expedient for the public safety, the Board of War, and to adjourn as to time and place as to him shall seem meet and convenient.

Read three times and ratified in General Assembly, the thirteenth day of September Anno Dom. 1780.

ALEXANDER MARTIN, S. S.,
THOMAS BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1781.

At a General Assembly begun and held at Halifax on the eighteenth day of January, in the year of our Lord one thousand seven hundred and eighty one, and in the fifth year of the independence of the said State: Being the third session of the Assembly of 1780. *Abner Nash, Esq.*, Governor.

CHAPTER I.

An Act to regulate and establish a Militia in this State.

I. Whereas a well regulated militia is absolutely necessary for the defending and securing the liberties of a free State;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the militia of this State shall consist of all the effective men from sixteen to fifty years of age inclusive (except Quakers, Menonists, Dunkards, and Moravians) and shall be divided into six brigades, one in each of the districts of Edenton, Newbern, Wilmington, Halifax, Salisbury, and Hillsborough, each brigade to be commanded by a brigadier general; the militia of each county to be formed into one or more regiments, each under the command of a colonel, lieutenant colonel and two majors; every regiment shall be divided into companies of fifty rank and file at least, two sergeants, two corporals, one drummer and fifer, and each company to be under the command of a captain, lieutenant, and ensign; and that every company shall stand divided into four divisions, and serve according to the first, second, third, and fourth numbers, as they have heretofore been drawn and numbered under an Act, intituled, "An Act to establish a militia in this State." Provided nevertheless, that where any militia man in this State shall remove himself out of one company into another, he shall produce a certificate from the captain of the company from which he came, setting forth the division to which he belonged, and the duty he has performed in that division, and the captain of the company to which he came shall cause him to be enrolled in the division he stood in before his removal; and if any person so removing shall fail to produce such certificate, when thereto required by the captain of the company to which by his removal he shall or may belong, such captain shall cause the person so failing to be enrolled in the division then liable to be called into service, and shall serve accordingly.

III. And be it further enacted, that any militia man removing from any other State, and becoming an inhabitant or resident within the bounds of any captain's company within this State, it shall and may be lawful for such captain, and he is hereby required, within six days after the arrival of such militia man into his company, to enter him upon the muster roll of said company, and number and class him by lot; and such militia man so enrolled and classed, shall serve accordingly.

IV. And be it further enacted, by the authority aforesaid, that every captain shall, on or before the tenth day of April next, and once in every six months afterwards, return a muster roll of his company, divided and numbered as aforesaid, to the commanding officer of the regiment, under pain of forfeiting one thousand pounds for every default; and the commanding officer of each regiment shall make an exact return from such

list, within twenty days after receiving the same, to the brigadier general of the district, under pain of forfeiting two thousand pounds for every default.

V. And be it further enacted, by the authority aforesaid, that the commanding officer of every regiment shall once in every year, and oftener, if required, by the brigadier general of the district, order a general muster at the court house of their county, or such other place as is or may be appointed by law, under pain of forfeiting two thousand pounds for every default; and every captain shall muster and train his company, divided as before directed, once in every two months, and oftener if directed by the commanding officer of the regiment, under pain of forfeiting two hundred pounds for every default; and every soldier neglecting or refusing to attend the general muster shall forfeit the sum of one hundred pounds, and if at a private muster fifty pounds; to be recovered as herein directed.

VI. And be it further enacted, by the authority aforesaid, that the brigadiers general respectively shall return an exact roll of all the officers and soldiers of their brigades, distinguished into their proper companies and divisions, to the governor, once in every year, and oftener if required, under the penalty of five thousand pounds for every default.

VII. And be it further enacted, by the authority aforesaid, that each militia soldier shall be furnished with a good gun and shot bag, and powder horn or cartouch box, and havre sack; and every soldier neglecting to appear at any muster accoutred as above, shall forfeit for every such offence ten pounds, if at a general muster, and five pounds if at a private muster, unless he can make it appear they were not to be procured, to be recovered as other fines: And when any person shall appear to the field officer not possessed of sufficient property to afford such arms and accoutrements, the same shall be procured at the expence of the county, and given to such persons on muster days, or when ordered into service; which guns and accoutrements, after such service, shall be returned to the captain of the company, and by him carefully preserved for future occasions. And whenever the militia are called into service they shall be allowed as follows: One baggage waggon, or two carts, for the field officers of every regiment, two waggons, or four carts, for the captains and subalterns of each regiment, and two waggons, or four carts, to each company, if necessary, each waggon, with four horses, to be allowed one hundred pounds per day, and to be found forage and shoes for their horses; and where any waggon is taken or impressed into the public service, the owner of the said waggon finding a driver, who shall continue in service during the space of three months, unless sooner discharged, shall be considered as having served a tour of duty, and shall be intitled to the pay and rations of a militia soldier while in service; ammunition waggons at the discretion of the brigadier general, the same rations to men and officers as allowed to the continental army, to be supplied by commissaries appointed by the brigadier, one bell tent to each company, intrenching tools, six axes, and a sufficient number of camp kettles, to be furnished by the commanding officer of each regiment; and the pay of the men and officers as follows, viz. A Colonel per day forty pounds, a brigadier general per day one hundred pounds, lieutenant colonel thirty six pounds, a major thirty-six pounds, a captain twenty-eight pounds, a lieutenant twenty four pounds, a surgeon thirty six pounds, an adjutant twenty eight pounds, an ensign twenty pounds, a sergeant seventeen pounds, a corporal, drummer and fifer, fifteen pounds, a brigade quarter master captain's pay and rations, a deputy brigade quarter master lieutenant's pay and rations, each rank and file man thirteen pounds; and each brigadier to be allowed one baggage waggon.

VIII. And be it further enacted, by the authority aforesaid, that there shall be one quarter master to every brigade, who shall be appointed by the brigadier general, with power to appoint deputies; and every colonel or commanding officer of a battalion shall appoint a quarter master to attend the same, or any detachment thereof, when ordered into actual service, to continue only until such battalion or detachment shall join the brigade of which it shall be a part: And every quarter master so appointed shall keep a book, wherein shall be entered an exact copy of all certificates and receipts he may give for articles imprest or bought, and not paid for, and shall return on oath the said account, together with all expenditures, to the next Assembly, or to the board of auditors, within one month; and any quarter master failing therein, shall forfeit and pay the sum of two thousand pounds, to be recovered and applied as other fines in this act hereafter directed.

IX. And be it further enacted, by the authority aforesaid, that there shall be twenty five light horse men, and no more, from each regiment, to be arrayed in one or more companies when they shall have joined the brigade, at the discretion of the brigadier general; and that each and every light horse man shall provide himself with a horse sufficient for the service, and accoutrements, and shall have the same bounty as a foot soldier, and twenty pounds per day, together with forage and shoes for his horse: And a chaplain may be appointed by the brigadier general to each brigade, to be approved of by the field officers of each brigade; which chaplain shall have the same pay and rations as a colonel, and be allowed forage for his horse.

X. And be it further enacted, that no officer or soldier in the militia service shall be tried for any offence against the militia law, or the articles of war, except by a court martial composed of militia officers.

XI. And be it further enacted, that no brigade, regiment, or division of militia, shall be under the command of any but militia officers, except when such militia shall be ordered by the civil power to join the continental troops; in which case the continental officer of equal, and the militia officer of superior denomination, shall command.

XII. And be it further enacted, that such division as shall at any time be called into service, shall be formed into companies of not less than fifty rank and file, with a proportionable number of officers, sergeants, corporals, fifers and drummers; and all the officers of each regiment shall agree among themselves who shall command the men directed to march into actual service, but if they cannot agree, the commanding officer shall cause lots to be drawn, and the officer on whom such lot shall fall, shall command in their proper rank and department, and such draft of officers shall be previous to the draft of the soldiers; and if any officer shall resign prior to the draft of the militia soldiers aforesaid, such officer shall be placed in the division then liable to a draft; and if any officer on whom the lot of commanding as aforesaid may fall, should resign his command before the expiration of the service, such officer shall forfeit and pay the sum of ten thousand pounds to be applied and recovered as other fines are herein directed. Provided, that nothing herein contained shall extend, or be construed to extend, to bar any officer or officers to resign his or their office before any alarm or orders for raising men, without incurring any penalty by this act inflicted.

XIII. And be it further enacted, by the authority aforesaid, that whenever a draft shall be ordered, that the captain, or one of his superior officers, shall forward on the drafts detached from his company respectively

to the place of rendezvous, on the day appointed for the drafts to rendezvous, and deliver them to the officer attending to take charge of said men: and further, that each captain shall at the same time send forward all such delinquents as may be lurking within the limits of his command.

XIV. And be it further enacted, that any militia man hereafter drafted shall be obliged to serve, or find an able bodied man in his room. Provided, that the governor, the speakers of both houses of the assembly, justices of the superior courts of law, attorney general, quakers, moravians, menonists, and dunkards, and continental delegates, shall be exempted from a draft; and that justices of the peace, public secretary, members of the council of state, ministers of every denomination regularly called, and having the cure of souls, treasurer of the loan office, physicians, surgeons, continental post-masters and post-riders, shall not be obliged to attend general or private musters, but shall nevertheless be subject to a draft.

XV. And be it further enacted, that for all defaults at private musters, if the delinquent shall fail to appear at the next succeeding muster, and shew sufficient cause for such default, the captain shall issue his warrant to the sergeant for levying the above fines by distress on the delinquent's goods and chattels, and the fines so collected shall be applied towards procuring arms for such as have not sufficient property to procure such for themselves. Provided, that where any person shall fail to appear at any private muster, and the captain of the company may suspect such person of having an intention of removing himself out of the county before the next succeeding muster, in such case it shall and may be lawful for the captain to issue a citation against such defaulter, requiring him by a certain day, not exceeding ten from the date thereof, to appear and shew cause, if he can, why the fine should not be levied; and if he shall fail to appear, or appearing, to make sufficient excuse, he shall be subjected to the same proceedings as if he had failed to make excuse at the succeeding muster: And every person who shall think himself aggrieved may complain to the next court martial, and if the said court shall think he was unjustly fined, they shall order the money to be refunded, if paid, and if any security has been given, that the same be released; and if any person shall withdraw himself, or abscond from the company to which he belongs, after being lawfully drafted, or shall desert his colours when on actual service, such person shall be held and deemed a continental soldier during the war.

XVI. And be it further enacted, that there shall be a court martial held the day after every general muster, to be composed of one field officr and six captains or subalterns at least; which said court shall have full power to inquire into all abuses, neglects and omissions, as well by any officer or soldier, to hear and determine all appeals whatever, and to dispose of all fines for the use of the county; and the said court is hereby directed and required to keep a register of all their proceedings, and for that purpose to appoint a clerk, and allow him a reasonable salary out of the fines.

XVII. And be it further enacted, that the captain or commanding officer of each militia company within this State shall cause a court of inquiry to be held previous to any draft, which court shall consist of the three commissioned officers of the company, and two freeholders, chosen by a majority of the company; and they, or a majority of them, shall hear and determine all complaints respecting the age or inability of any person within their company. Provided nevertheless, if any person shall think himself aggrieved by the determination of the said court, he shall have

the right of appeal to the regimental court martial, he first giving bond and security to prosecute such appeal with effect.

XVIII. And be it further enacted, that if any soldier shall, during the time of any muster, insult or resist his commanding officer, or refuse his lawful commands, such soldier shall and may be taken into custody by order of the commanding officer, and shall pay such fine as his said officer shall assess, not exceeding the sum of two hundred pounds if at a private muster, or four hundred pounds if at a general muster. Provided nevertheless, that such offending soldier shall have the right of appealing to the succeeding court martial to be held for his county, he first giving bond and security, in double the sum assessed, to the commanding officer, that he shall well and truly prosecute the appeal with effect; and if the said offending soldier shall fail in his appeal, it shall and may be lawful for the said court martial to confirm such fine, with costs, at their discretion.

XIX. And be it further enacted, that if any soldier shall neglect or refuse to appear when drafted, or otherwise called into actual service, or fail to deliver an able bodied man in his room to the commanding officer of the county to which such drafted person may belong, and procure a certificate for the delivery of his substitute (which the commanding officer is hereby required to give) and if any person fail in the above, after having five days previous notice, or appearing refuses to march, it shall and may be lawful for the commanding officer of the regiment to which such delinquent belongs, and he is hereby required, immediately to hire a substitute in the room of such delinquent; and if the delinquent shall be possessed of property sufficient to discharge the hire of the substitute, the said commanding officer is hereby required to make public sale of the goods and chattels, lands and tenements, of the person failing, or so much of them as may be sufficient to discharge the hire of the said substitute, and accruing costs; and the said substitute, when procured, shall be subject to the same rules and discipline, and shall be obliged to serve the same time, that the person whose substitute he may be would have been, had he appeared and marched agreeable to this law; and in case no property can be found, the said delinquent shall be held and deemed a continental soldier for the space of twelve months; and any person taking said delinquent, and delivering him to any gaoler of the nearest district gaol, shall be intitled to receive from this State the same pay and allowance as is given for taking up a deserter from the continental service; and any person procuring such substitute to serve in his room, shall be exempt from that tour of duty, and shall not be again called into service until by rotation it shall again come to his turn. Provided nevertheless, that no apprentice, foreigner, British or Hessian deserter, Indian, negro slave, or any person liable to be called into service the next draft, shall be received as a substitute; and if the substitute shall desert before the tour expires, the person so hiring shall be liable to serve the residue of the tour, either personally or by another substitute, with the next draft.

XX. And be it further enacted, by the authority aforesaid, that all young men, on arriving at sixteen years of age, and being entered on the muster roll, shall not be subject to a draft, until the class most remote or distant in rotation from the class from which the first draft after such young man's being respectively entered on the muster roll as aforesaid, is to be made.

XXI. And be it further enacted, that if any officer or soldier, when in actual service, shall wilfully disobey the lawful commands of his superior or commanding officer, it shall and may be lawful for such his commanding officer to cause him to be arrested, if an officer, and if a soldier, held in

safe custody, until a court martial shall be held over such offender, the said court not to consist of less than one field officer, three captains, three lieutenants, and three ensigns, or a majority of them, from the regiment to which such officer or soldier shall belong; and such offender shall suffer such punishment as said court martial shall direct. Provided always, that if the offender shall be an officer, he shall not be subject to any corporal punishment, and whether an officer or soldier, he shall not be subject to the loss of life, limb, or member, unless for mutiny or desertion; in which case the offender shall suffer death, or such other punishment as the court martial shall judge proper to inflict.

XXII. And be it further enacted, that no officer or soldier going to, continuing at, or returning from any muster in any reasonable time, shall be liable to be arrested by any officer in any civil action or process whatever; any law, usage, or custom, to the contrary, notwithstanding.

XXIII. And be it further enacted, that in all cases where it shall be requisite to administer an oath relative to any military matters, any field officer or captain is hereby required to administer the same.

XXIV. And be it further enacted, that no officer or soldier of the militia or regulars in this State shall press any waggon, cart or horse, arms or other things, of any nature whatsoever, unless authorized thereto by warrants under the hands and seals of two justices of the peace (not being militia officers then in actual service) of the county where such press shall be necessary; and any officer or soldier before he shall press any thing as aforesaid, shall demand the same peaceably from the owner or possessor thereof, and in case of refusal, shall produce his warrant aforesaid before he proceeds to impress; and if the owner or possessor shall still refuse the thing demanded, it shall be lawful to impress the same; and every officer or soldier who shall offend against this Act, shall forfeit and pay two thousand pounds for every such offence to the person injured, or to any person who shall sue for the same, and shall also be liable to the action or actions of the party grieved, to be recovered before any jurisdiction having cognizance thereof: And every thing so pressed or obtained shall be valued by two freeholders on oath, and a certificate of the valuation given by such valuers to the owner or possessor from whom the same shall be pressed or obtained; and the officer or person receiving such articles shall give a receipt on the back of the certificate for the same, in order that if the same shall not be restored to the owner or possessor, he may be allowed such valuation by the public.

XXV. And be it further enacted, by the authority aforesaid, that if any person shall conceal any waggon, cart, horse or other thing, after being lawfully impressed, with intent thereby to deprive the public of the use thereof, every person so offending shall forfeit the thing so concealed, or the value thereof, to the use of the public.

XXVI. And be it further enacted, by the authority aforesaid, that when any brigade shall be ordered into actual service, the following rules and regulations shall be observed. One waggon master shall be appointed to every twelve waggons, and the commanding officer shall continue or discharge the same at his discretion, which waggon master, before he enters upon his duty, shall take an oath that he will faithfully execute the said office; and the commissaries shall every morning make a return to the waggon master of the provisions, which the waggon master having examined and compared, shall return signed and certified to the commanding officer; and the waggon master shall attend as his special duty to the arrangement of the waggons, taking care that every morning no more begin

to march than one for every ton of provision, except one, and the remainder shall be discharged, except otherwise ordered by the commanding officer, each waggon having first obtained a certificate from the waggon master, setting forth the weight carried, the number of days in service, the place where discharged, the forage due, and the distance to return; and for every twenty miles of such return each waggon shall be allowed one day's pay, and half the sum shall be allowed for such carts as shall be employed in the service; and every waggon master shall be allowed the pay and rations of a captain: Also that there be a paymaster appointed to each brigade, who shall attend to the same, and be allowed a major's pay and rations; and he shall produce as vouchers receipts from every officer and soldier who shall appear on the muster roll of the brigade to which he belongs, for such sums as he shall pay away.

XXVII. And be it further enacted, by the authority aforesaid, that when any militia man shall hereafter be called into actual service, he shall not be compelled to serve more than three months from the time of his arrival at head quarters, or joining any division or post, by order of the commanding officer then in the field, at any one time; and in case the commanding officer shall deem it necessary to discharge the militia before their having performed three months service, the time such militia has served shall nevertheless be considered a tour of duty, and every militia man being so discharged, shall not be again called into service until it comes to his turn by rotation.

XXVIII. And be it further enacted, that the divisions made for drafting the militia in the several counties in this State, according to a resolve of Congress, passed at Halifax in May, one thousand seven hundred and seventy six, shall continue; and the persons who have in pursuance thereof been drafted, or voluntarily served a tour of two months or upwards in the militia service of this State at any one time, shall not be again drafted or called into service until, according to the order of the said division, it shall in rotation come to their turn; any thing in this Act contained to the contrary notwithstanding.

XXIX. And be it further enacted, that if any militia officer shall fail or neglect to call his regiment, company or corps, together, or to exercise, discipline, and train the same, when assembled, in manner as by this Act is directed, such officer so failing or neglecting as aforesaid shall forfeit and pay as follows: A colonel commandant the sum of one thousand pounds, a lieutenant colonel one thousand pounds, a major one thousand pounds, a captain five hundred pounds, a lieutenant three hundred pounds, and an ensign the sum of two hundred pounds; which several penalties and forfeitures may be sued for and recovered by action of debt, bill or plaint, before any jurisdiction having cognizance thereof, with costs; one moiety whereof shall be paid to the brigadier general of the district, to be applied towards purchasing arms and other warlike stores for the use of the county where the forfeiture shall be, and the other half to the person who shall sue for the same.

XXX. And be it further enacted, that every militia officer, before he enters upon the execution of his office, shall take the oath appointed for the qualification of public officers, and also the following oath, viz.

I, A. B., do solemnly swear, that I will execute the office of ———— to the best of my skill and abilities, without favour, affection, or partiality, and according to law. So help me God.

XXXI. And be it further enacted by the authority aforesaid, that where any invasion or insurrection shall happen within this State, that the

nearest militia officer shall give immediate notice thereof to the commanding officer of the county, who shall communicate the same as soon as may be to the brigadier general of the district, who shall convey the same to the Governor or commander in chief; and in the mean time every such officer shall use his utmost endeavours to collect a force sufficient to repel the enemy, or suppress the insurrection; and every officer failing herein shall forfeit and pay the sum of two thousand pounds, to be recovered and applied in the same manner as other fines by this Act inflicted, and be put in the ranks on the division next liable to be called into service; and every soldier refusing in such case to appear and march for the repelling the enemy when called upon by his immediate commanding officer, shall forfeit the sum of one thousand pounds; and if he has not property whereon the same may be levied, then, and in that case, he shall be held and deemed a continental soldier for the space of three months.

XXXII. And be it further enacted, that every sergeant, for levying any fine for not attending at a general or private muster, and for not appearing properly equipped, shall have and receive the following fees, viz. For non-attendance four pounds, for not being equipped two pounds, and such further allowance as the court martial may deem reasonable, to be paid out of the said fines: And when any apprentice, servant or minor, shall absent himself from militia duties, he shall be subject to the penalties by this Act directed for offences of the same nature; and if by this Act such offences are made subject to a fine or fines, such fine or fines shall be levied by distress upon the effects of the master or mistress of such servant or apprentice, or upon the effects of the parent of such minor, or of his guardian, in case he shall be an orphan.

XXXIII. And be it further enacted, by the authority aforesaid, that when the militia of this State shall be ordered into service, the commanding officer shall receive a tent for every six men under his command from the commissary of stores; and after the expiration of such service, the commanding officer shall return the tents, together with all pots, camp kettles, axes and other tools, to the colonels of their respective counties, where all such articles shall be carefully preserved by him for further occasions.

XXXIV. And be it further enacted, that any provision waggon hereafter entered into public service shall carry one ton weight each, and a cart half that quantity, or if less, shall be paid according to the weight they carry, in case they fail through inability; and where any baggage waggon is found to have less than fifteen hundred weight, or a cart half that quantity, it shall be lawful for the waggon master of the brigade to which such waggon or cart may belong, and he is hereby required, to put as much provision into such waggon or cart as will make up the above weight; and no waggon master shall give a certificate for the service of any waggon or cart, until the time of entry into actual service be proven on oath, except the time is known to the waggon master, and no certificate shall be given for more than two days previous to entering into actual service; and if any waggon master shall offend herein, he shall be liable to a prosecution for the breach of his oath, and shall be further liable to pay a fine of two thousand pounds, to be recovered and applied as other fines in this Act are directed.

XXXV. And be it further enacted, by the authority aforesaid, that where any complaint shall be made against any officer of the militia, the commanding officer, if the complaint be not against himself, if so, the next officer in command, shall cause a court martial to be called, which shall consist of one or more of the field officers, and at least the majority of

tne captains of the regiment, who shall hear the charges and all allegations made against any officer or officers, provided such be made upon oath, and a notice of ten days at least given to the party complained against; and if such complaint shall appear to be well founded, and to warrant a removal of such officer, the said court martial shall and may sentence such person accordingly, and at the same time recommend a proper person to succeed such officer: The president of the court shall make return of the said proceedings to the brigadier, and if the same be approved of by him, then the commanding officer of the county shall proceed to procure a commission from the Governor for such person so recommended.

XXXVI. And be it further enacted, by the authority aforesaid, that every captain who shall go on actual service shall give a receipt to the colonel of his county, or the quarter master, for all arms and other articles furnished his company going into actual service; in case such articles are not returned, the captain shall be accountable for the same, or the value thereof, unavoidable accidents excepted.

XXXVII. And be it further enacted, by the authority aforesaid, that the captain or commanding officer of each company shall make a return of all delinquents that he may know to be lurking within the limits of his command to the colonel or commanding officer of his county, who shall immediately proceed against them according to law; and every officer who snall refuse or neglect to do the duties by this Act required, shall for every such neglect or refusal forfeit and pay the sum of one thousand pounds; to be recovered by action of debt, before any jurisdiction having cognizance thereof, to be applied as other fines by this Act are directed.

XXXVIII. And be it enacted, by the authority aforesaid, that any sergeant to whom a warrant shall be directed by his colonel or commanding officer, who shall fail or neglect to execute the same, shall forfeit and pay the sum of one hundred pounds, to be recovered and applied as other fines by this Act directed.

XXXIX. And be it further enacted, that if any number of men not exceeding thirty, or less than fifteen, shall form themselves into a company of horse, accoutring each and every man thereof with a gun, sword, and cartouch box, under the command of a captain, lieutenant, and cornet, it shall and may be lawful for such company, first signifying the same to the colonel of the county to which they belong, at the same time recommending the officers for the said company, to obtain from the Governor, to whom the colonel commandant of the county in which they reside is hereby required to signify the same, commissions for the said recommended officers, and thenceforth, as long as the said company may continue, shall be exempt from all foot service whatsoever; and when on service the captain shall have and receive thirty six pounds per day, lieutenant twenty eight pounds, and cornet twenty four pounds. Provided nevertheless, that the said company shall be as much subject to the command and orders of the colonel of the regiment to which they may belong, as any company of foot within the same.

XL. Whereas the Court House in Rowan County is situated upwards of forty miles from the northwest extremity of the said County, which renders it very inconvenient and disadvantageous to the inhabitants of that part of said County to attend at general musters: For remedy whereof, Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the passing of this Act, it shall and may be lawful for commanding officers of said County, whenever it shall be found necessary to hold a general muster,

to order the district of the following captains to meet at Thomas Allison's, senior, plantation, Fourth Creek, viz. David Crawford, D. Caldwell, Patrick Morrison, James Furviance, Galbreath Falls, Jacob Nichols, Samuel Reed.

XLI. And be it further enacted, that it shall not be lawful for the commanding officer of said County to order the abovesaid districts to meet at the Court House of said County, unless it may be absolutely necessary to call the whole regiment together.

XLII. And be it further enacted, that it shall and may be lawful for the commanding officer of said county, when he orders a general muster of said district, to order one or more of the field officers of the said County to attend the same, and there hold a court martial to try and determine all matters and things, in as full and ample manner as any other regimental court martial in this State.

XLIII. And be it further enacted, that every former act or acts, which come within the meaning of this Act, shall be, and the same are hereby declared to be repealed and made void. Provided nevertheless, that all penalties for offences against the late militia law shall apply, remain, and be recoverable, in the same manner as if this act had never been made.

CHAPTER II.

An Act to reduce the six Continental Battalions belonging to this State to four, to compleat the said four Battalions, and for other purposes therein mentioned.

I. Whereas the honourable the Congress have resolved that the Continental Battalions belonging to this State shall be reduced to four, and have requested that the said battalions be immediately compleated; and as it has been found impracticable to fill up the same by the common mode of recruiting, and the pressing necessity for their being immediately compleated being evident, recourse must be had to other methods for effecting the same:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the said six battalions be, and they are hereby reduced to four.

III. And be it further enacted, by the authority aforesaid, that two thousand seven hundred and twenty four men shall be raised from the militia of this State to compleat the said battalions, in the following manner: The colonel or commanding officer of each and every battalion is hereby directed to order the field officers and captains of his battalion to meet at the place by law appointed for the general muster of his said battalion, or at some other convenient place, on or before the twentieth day of March next, and the field officers and captains shall then and there divide the said battalion, officers and men of every rank included (his excellency the Governor, Judges of the Superior Courts of Law, Continental Delegates, Attorney General, and Public Secretary, excepted) into classes of fifteen men, after deducting all such who, by themselves or substitutes, faithfully served for the space of nine months, agreeable to Act of Assembly passed at Newbern in May, one thousand seven hundred and seventy eight, and who shall produce their discharge, regularly and fairly obtained, to the commanding officer of the battalion to which they respectively belong, and all such as were captured and made prisoners when in the actual defence of the United States, and are now on parole, or prisoners with the enemy; provided that this Act shall not be construed

so as to exempt any persons who have served or hired substitutes under an Act passed at Smithfield in May, one thousand seven hundred and seventy nine, or any other Act not herein mentioned, such Acts not having exempted any person from military duty in cases of actual invasion or insurrection: And whereas it may happen that a number not sufficient to make a class may be left after dividing the battalions into classes of fifteen, then, and in that case, it shall be lawful for the said commissioned officers, field officers and captains, by lot, to determine what men shall be of the said number, and to which class each of them shall be added, therein to stand a draft, provided the class to which he may belong do not produce a volunteer on the day of the general muster: And the colonel or commanding officer of each battalion of militia shall within fifteen days after such meeting order a general muster at the place by law appointed, or other convenient place, and is hereby authorized there to offer a bounty of three thousand pounds to every able bodied man, over and above a bounty of three barrels of corn for his wife, and two for each of his children who shall be in his family, and shall be under ten years of age, such corn to be delivered annually to his wife or assignee, or her order, by the commissioner of the county wherein she may reside, or by some other person appointed for that purpose, for and during the term the said volunteer or draft may continue in service, and the commissioner shall be allowed for the same in the settlement of his public accounts; the said three thousand pounds to be paid either in money or certificates upon the public treasury, bearing an interest of six per cent. per annum till paid, and free from taxation, and shall be a tender in payment of public taxes, the sum for which such certificates may be granted to be payable to the person to whom they are granted, or his assigns, within twelve months after the inlistment, to every able bodied man who shall inlist, or be drafted in the said Continental Battalions for the space of twelve months; and the said volunteers shall be subject to the same rules and discipline, and have the same pay and rations, as the Continental troops belonging to this State, from the day of their being inlisted: And in case a sufficient number of volunteers do not then inlist, the commanding officer shall immediately order one man to be drafted from each of the classes which have failed to produce a volunteer; and each of the men so drafted shall be intituled to receive the same bounty, pay and rations as if they had inlisted, and shall be obliged to serve in the Continental Battalions of this State for the same term, and be subject to the same rules and discipline, as the said volunteer, or produce an able bodied substitute on the day, and at the place appointed by this law for the district rendezvous; which substitute on being approved of by the field officer delivering, and the Continental officer receiving him, shall be intitled to the bounty, pay and rations, and shall be obliged to serve for the same term, and be subject to the same rules and discipline, as the said drafted man would have been, had he not hired such substitute; all the taxable property within the district of each battalion, whose owners are neither in the Continental service or liable to be classed as by this Act directed, shall be subject to a tax of three pounds upon every hundred pounds value of the same (the property of orphans excepted) an exact list of the names of the owners of which property shall be returned by the respective captains and commanding officers of the companies of each battalion to the collectors and county treasurers aforesaid, on or before the twentieth day of April next.

IV. And be it further enacted, by the authority aforesaid, that the collectors of the pecuniary tax in the respective districts, collect and pay

into the hands of the county treasurers, all the tax payable by virtue of this Act, on or before the first day of October next; and any collector who shall fail to collect the aforesaid tax, or to pay the same to the treasurers of the respective counties, and the county treasurer neglecting to pay the same to the respective district treasurers, shall forfeit double their commissions.

V. And be it further enacted, by the authority aforesaid, that every person who shall voluntarily inlist himself into the Continental service during the war, shall be intitled to have and receive as a bounty the sum of two thousand pounds, to be paid in the same manner as the three thousand pounds herein before directed to be paid as a bounty to such persons as shall voluntarily inlist or be drafted into the Continental service for the space of twelve months, to be paid him on the day upon which he shall arrive at the place of general rendezvous appointed for the troops raised in the district wherein such person shall so inlist, and be intitled to the same clothing as the Continental soldiers now in the service of the United States are intitled to; and every person inlisting in the war as aforesaid, upon his producing a certificate of having so served from the colonel of the regiment to which he belonged, shall be intitled to have and receive, as a recompence for such service, one prime slave, or the value thereof, and six hundred and forty acres of land, under the same rules and restrictions as the additional bounty given to soldiers inlisting in the Continental service under the Act for that purpose passed the first session of the present General Assembly, that is to say, no disposition or transfer of lands or negroes by this Act allowed to drafts or volunteers, made by the said drafts or volunteers during the time of their service, shall be in any wise good, except where they shall transfer or dispose of the same by will; and in case any of the said drafts or volunteers shall die intestate before the expiration of the time of their inlistment, the said negroes and lands to which they are intitled respectively, shall go and descend to their legal representatives.

VI. And be it further enacted, by the authority aforesaid, that the men so raised shall rendezvous on or before the twenty fifth day of April next at the following places, to wit, those from the district of Salisbury at Salisbury, from the district of Hillsborough at Hillsborough, from the district of Edenton at Edenton, and Halifax at Halifax, from the district of Newbern at Smithfield, and Wilmington at Duplin Court House, unless otherwise ordered by the brigadier general of the respective districts; and in case any of the said volunteers and drafts should fail to appear at the day and place appointed for the district rendezvous, or at any time, place or places, that may hereafter be appointed by the commanding officer for the time being, they being considered by this law as Continental soldiers from the day of the drafts or inlistments, shall be treated as deserters by a court martial composed of Continental officers.

VII. And be it further enacted, by the authority aforesaid, that any volunteer or draft faithfully serving, either by himself or substitute, the aforesaid term, shall be exempted from all drafts whatever for twelve months from the date of his or his substitute's discharge, provided it be certified on the back of said discharge, by the commanding officer of the militia battalion to which such volunteer or draft belonged at the time of his entering the said service, that he has reason to believe the said volunteer or draft has faithfully served as aforesaid, and been legally discharged; and in case of the death of any of the said volunteers, drafts or substitutes,

when in the service of this State, their families shall be provided for in the same manner as during their service.

VIII. And be it further enacted, by the authority aforesaid, that if any person shall harbour, conceal or abet, any soldier deserting from the Continental army, the person so harbouring, concealing or abetting, such soldier, where the circumstances of such harbouring, concealing or abetting furnish a sufficient presumption that the person so harbouring knew him to be a deserter, on conviction before three justices of any county in this State, shall be deemed a Continental soldier during the war, and shall serve in one of the battalions belonging to this State, or deliver an able bodied substitute to the commanding officer of the militia battalion of the district wherein he resided at the time of his so harbouring, concealing or abetting, any Continental deserter as aforesaid, or to the commanding officer of the Continental battalion to which he may be turned over; and in case the person so harbouring, concealing or abetting, such soldier, and convicted as aforesaid, should not be sufficiently able bodied to serve as a soldier, and should neglect to deliver an able bodied substitute to the commanding officer of the militia battalion as aforesaid within ten days after such conviction, or being able bodied should abscond, or having joined the Continentals belonging to this States should desert, the commanding officer of the said militia battalion is hereby authorized and commanded to hire a substitute in the stead of the person not being able bodied, and neglecting to deliver a substitute as aforesaid, or being able bodied, and absconding or deserting, and to cause the hire and expence of such substitute to be levied by warrant under his hand and seal on the goods and chattels, lands and tenements, of the person so offending.

IX. And be it further enacted, by the authority aforesaid, that the captains shall return descriptive lists of the volunteers and drafts raised in and from the several classes apportioned to them to their colonel or commanding officer within two days after such draft, therein specifying the name, size, age, complexion, and occupation, of the men so raised, and also the name of the captain from whose company they were taken; and the said commanding officer shall make two fair copies of such descriptive lists, one of which, by him or one of his field officers, to be delivered with the men so raised, on or before the twenty fifth day of April next, at the district rendezvous, to the Continental officer, or other person appointed to receive and take charge of the said men, and shall take a receipt for the delivery of the men on the other, and shall then take a descriptive list, of all substitutes there offered by drafted men of the battalion to which he belongs, and approved by the persons appointed for that purpose; one fair copy of which list he is required to deliver with the said substitutes to the Continental officer, or other person appointed to receive and take charge of the said men, and shall take a receipt for the said substitutes, in like manner as for the said drafts; and one other fair copy of the descriptive list of such substitutes, together with receipts for the volunteers, drafts and substitutes as aforesaid, shall be returned to, if not taken by, the militia colonel or commanding officer of the battalion.

X. And be it further enacted, by the authority aforesaid, that the commanding officers of the battalions shall send a list of the volunteers, drafts and substitutes, to the brigadiers general of their respective districts, within fifteen days from the district rendezvous; and the brigadiers general shall, within one month from the receipt of such list, transmit copies thereof to his excellency the Governor for the time being.

XI. And be it further enacted, by the authority aforesaid, that each and every person who shall voluntarily enter or be drafted into the said service, or be received as a substitute by the persons appointed for the purposes aforesaid, shall be intitled to have and receive two pair of shoes, two pair of stockings, two shirts, two stocks, one pair of breeches, one pair of overalls, one waistcoat, one coat, one hunting shirt, one blanket, and one hat; which cloathing shall, if possible, be delivered to each volunteer, draft and substitute, on the day and place of the district rendezvous, or as soon after as they can be made up.

XII. And in order to procure the cloathing afore mentioned, Be it enacted, by the authority aforesaid, that every class shall furnish, provide and deliver, to the colonel or commanding officer of the battalion to which such class belongs, two pair of good strong shoes, one pair of good warm yarn or cotton stockings, one pair of good thread or cotton stockings, two good and strong linen shirts, two black leather stocks, one pair of good buckskin or good thick and strong woollen cloth breeches, one pair of good and strong linen overalls, one waistcoat of good thick and strong woollen cloth lined with linen, one coat of the same with the waistcoat lined with linen, with capes and cuffs of blue cloth of the same quality, one good and strong hunting shirt with a blue linen cape, one good and well made wool hat, for the volunteers, drafts or substitutes, of their own class, and in proportion to the assessment of their taxable property for the year one thousand seven hundred and eighty; and the colonel or commanding officer is hereby required to cause the said clothing to be appraised by two freeholders, and to give certificates to the persons furnishing the same, which shall be received in payment of taxes; and in case any class should fail to deliver the same to the colonel or commanding officer of the battalion to which the said class belongs within twenty days after the day of general muster of the battalion as aforesaid, the commanding officer is hereby authorized and commanded to appoint a proper person or persons to purchase said articles of cloathing, and by warrant under his hand and seal to levy the cost and expence attending the purchasing the same in due proportion to their taxable property aforesaid.

XIII. And be it further enacted, by the authority aforesaid, that the colonel or commanding officer who may attend at the district rendezvous take proper methods to have the cloathing at the said rendezvous, and see it delivered to the soldiers for whom it may be provided; and the County Commissioners are hereby required to deliver, by order of the commanding officer of the county battalion, to the soldiers raised as aforesaid, rations sufficient to serve them to the district rendezvous, allowing fifteen miles for a day's march.

XIV. And be it further enacted, by the authority aforesaid, that every militia officer employed in carrying this Act into execution, shall be allowed full pay and rations for every day of actual service: And each and every militia officer neglecting or refusing to do any or every of the duties by this Act required, shall forfeit a sum equal to three months pay, to be collected in the same manner as fines and forfeitures inflicted by the militia laws are collected; which fines and the money arising from such forfeitures shall be immediately paid to the county treasurer for the use of the county.

XV. And whereas it may happen that some counties of this State may be prevented by means of invasion from making the draft hereby directed to be made on the time aforesaid, Be it further enacted by the authority aforesaid, that if any of the counties of this State shall be prevented by

invasion thereof from making the said draft on the time aforesaid, in that case the commanding officer of the battalion of such counties shall make the draft as soon as the said hindrance shall be removed; saving in all cases to persons who may at the time of such draft be in the actual militia service of this State, all penalties for failing to appear as drafted soldiers during the continuance in the said militia service. Provided that such drafted soldier shall make his appearance at headquarters and deliver himself to a Continental officer within forty days after the expiration of his said service.

XVI. And be it further enacted by the authority aforesaid, that all persons liable to militia duty, and who have resided ten days in any part of this State before the day of drafting, shall be considered as liable to stand draft, and subject to the operations of this Act, and that any militia man who shall after the passing this Act, and before the day of drafting, absent himself, or remove with intent to evade the operations of this Act, shall be held and deemed a Continental soldier for twelve months from the day he may be taken thereafter, and the real and personal estates of all such persons shall be liable to be sold by the colonel of the county, or so much thereof as will be sufficient to procure a Continental soldier for the term of twelve months, in the room and stead of such person so removing; and that any draft, volunteer, substitute, or other soldier, under this Act, deserting or failing to appear when called on, shall be held and deemed a Continental soldier during the war. Provided, that refugees from Georgia and South Carolina shall not be considered as within the meaning of this Act.

XVII. And be it further enacted, by the authority aforesaid, that James Coor and William Pasteur be appointed commissioners to print, or cause to be printed or written, three thousand five hundred certificates of seven thousand five hundred dollars each, of the following form, viz. 'State of North Carolina. This may certify that the bearer is intitled to seven thousand five hundred dollars, to be paid out of the public treasury of this State, with six per cent. interest at any time after the first day of March, in the year one thousand seven hundred and eighty two, agreeable to Act of Assembly. Given under my hand this ——— day of ——— one thousand seven hundred and eighty one.' And shall in the most frugal and expeditious manner deliver, or cause to be delivered, the said certificates to the several district treasurers on or before the first day of April next, in the proportions following, that is to say, to the Treasurer of the district of Newbern five hundred, Wilmington five hundred, Salisbury nine hundred, Hillsborough six hundred, Halifax five hundred, and the remaining five hundred of the said certificates to the Treasurer of the District of Edenton, taking receipts for the same: And the said Commissioners shall, previous to their entering on the printing or writing the same, take an oath not to print or write, or cause to be printed or written, any greater number of certificates than are hereby directed to be printed or written; and the treasurers of each district are required to attend in person, or otherwise, at the place of general rendezvous in their respective districts, and after signing the said certificates, to deliver one of them to each volunteer and draft who by virtue of this Act shall appear at such place of rendezvous, taking a receipt from each individual, for which trouble and expence the said treasurers shall be allowed in the settlement of their public accounts: And the Treasurer of the District of Newbern shall advance to the said Commissioners the sum of three thousand pounds out of the public treasury, to enable them, if necessary, to hire expresses, and pur-

chase paper, for the purpose of procuring and delivering the said certificates as directed by this act; for which sum the said Commissioners shall account with the board of auditors, who are hereby directed to allow them a reasonable compensation for their services and expences in performing the several duties required of them by this Act.

XVIII. And be it further enacted, by the authority aforesaid, that whosoever shall by printing, writing, engraving, or by any other way or means, pass or counterfeit or attempt to pass or counterfeit, any of the certificates by this Act directed to be granted, or any part, word or letter, name, emblem or device of the same, or shall make or construct any die, press, type, or other instrument, for imitating any of the said certificates, or any part, word, letter, name, emblem or device thereof, or shall alter or deface any of the said certificates with intent to change the value or denomination thereof, or shall knowingly pass or utter any counterfeit likeness of any of the said certificates, being thereof lawfully convicted by confession or verdict, or on arraignment or trial shall stand mute, or challenge peremptorily more than thirty five jurymen, every such person shall receive judgment of death, without benefit of clergy, and shall suffer as in case of felony.

CHAPTER III.

An Act for appointing District Auditors for the settlement of public Claims.

I. Whereas the claims against this State are too numerous to be settled by the present Board of Auditors in any reasonable time, and whereas it is necessary that the same should be immediately settled;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a Board of Auditors be constituted and appointed for each of the Districts of Newbern, Wilmington, Hillsborough, Halifax, Edenton, and two for the District of Salisbury, each board to consist of three members, to be respectively composed of the following persons, and a secretary: James Coor, Benjamin Exum, and John Hawks, Esquires, for the District of Newbern; Francis Lucas, Wm. Dixon, and Thomas Sewell, Esquires, for the District of Wilmington; Memucan Hunt, Ambrose Ramsay, and John Taylor, Esquires, for the District of Hillsborough; John Macon, Henry Montfort, and Goodwin Davis, Esquires, for the District of Halifax; Lawrence Baker, Edward Everigin, and Wm. Righton, Esquires, for the District of Edenton; Anthony Bledsaw, Ralph Humphreys, and Jesse Walton, Esquires, of one board, Matthew Lock, Benjamin Cleveland, and David Wilson, Esquires, for the other board of the district of Salisbury; and the Secretary of each board is to be appointed by it: And such auditors shall have, and are hereby vested each board in their respective districts, with full power and authority finally to settle and adjust all claims against the State for articles heretofore furnished or impressed for the use thereof, at the following prices, viz. For every pound of fresh beef one pound twelve shillings, three years old stears or barren or dry cows each four hundred and forty pounds, four years old stears five hundred and sixty pounds, five years old stears six hundred and forty pounds, six years old stears and upwards seven hundred and twenty pounds, salt beef per barrel eight hundred pounds, salt pork per barrel one thousand pounds, each good sheep one hundred pounds, wheat per bushel forty five pounds, flour per hundred weight one hundred and thirty five pounds, oats per bushel twenty four

pounds, oats in the sheaf each sheaf two pounds, rye per bushel forty pounds, hay and corn blades per cent. each thirty pounds, bran per bushel six pounds eight shillings, brandy per gallon eighty pounds, whiskey per gallon sixty pounds, cyder per barrel one hundred pounds, brown sugar per pound sixteen pounds, molasses per gallon fifty pounds, butter and cheese per pound six pounds, bacon per pound six pounds, dried beef per pound four pounds, hire of a single horse per day ten pounds, waggon without a team per day ten pounds, waggon with geer per day twelve pounds ten shillings, cart without a team per day five pounds, clean rice per hundred weight one hundred and fifty pounds, rough rice per bushel thirty pounds, shoeing a horse each shoe fourteen pounds, pasturing each horse twenty four hours two pounds, feeding a horse, each feed two pounds, pot iron per pound eight pounds, bar iron per pound eight pounds, dieting a soldier each diet four pounds. In the counties of Rowan, Mecklenburg, Lincoln, Rutherford, Burke, Anson, Montgomery and Richmond, for corn per bushel forty pounds, rum per gallon one hundred and twenty pounds; in the District of Salisbury, for salt per bushel six hundred and forty pounds; in the Districts of Halifax and Hillsborough, for salt per bushel, five hundred pounds; in any other part of the State for salt per bushel four hundred pounds, corn per bushel thirty pounds, rum per gallon one hundred pounds; and when in any claim presented there shall be articles charged not heretofore mentioned, the auditors are hereby vested with full power and authority to allow such prices as to them shall appear just, having regard to the prices as before mentioned, and issue certificates indented and numbered for whatever sum or sums shall appear justly due to the several claimants; which certificates shall be signed by two members of the board from whence it issues, and be countersigned by the secretary, and certificates thus attested shall be deemed, and are hereby declared lawful vouchers for the sheriffs, tax gatherers, and treasurers, in the settlement of their public accounts, and the sheriffs and tax gatherers are hereby directed to receive them in the payment of public taxes; and the said boards shall sit at the most convenient places within their respective districts, at their discretion: And that the several boards meet as soon as possible after the ratification hereof, and continue to sit, if they shall find it necessary, until the first day of May next, for the purposes aforesaid, and no longer; and that immediately after the first day of May each board is hereby directed and required to transmit by their secretary, to the present Board of Auditors the counter part of the certificates by them issued, together with the accounts they have passed, with the vouchers. Provided nevertheless, that if any one of the said Boards of Auditors shall by invasion, or other cause, be prevented from sitting to adjust the claims of their district within the time before mentioned, it shall be lawful for the said board to sit for the same purpose at any other time or times when they can do the same with safety.

III. And the better to carry this Act into execution, Be it enacted, that the sum of six thousand pounds be paid to each board by the treasurer of each district, for the purpose of purchasing stationary, paying for house rent, &c., and if a balance should remain in their hands, it shall be applied to the pay of their service (such receipt to be a sufficient voucher to the treasurer) and that the same sum be allowed to each member of these district boards, and to their respective secretaries, per day, as is allowed to the present auditors and their secretary; and on the first day of May as aforesaid, the respective district boards are directed and required to transmit by their secretary as aforesaid, an exact account of the expen-

ditures of their board, as well as the account against the public for their services, giving credit for such sums as they may have received from the treasurers: And the present Board of Auditors are hereby impowered to settle such accounts so offered, and to issue certificates for the balance, which certificates shall be sufficient vouchers for the sheriffs and treasurers in the settlement of their accounts.

IV. Be it enacted, in case of refusal, death or removal, of any auditor appointed by this Act, that it shall and may be lawful for such vacancy to be filled by two acting members of such board, or in failure thereof, by the representatives of the same county in which the person so refusing, dying or removing, resides, or may have resided; and that each auditor and secretary shall, before they enter upon the execution of their office, take the following oath:

I, A. B., do swear, that I will faithfully execute the trust reposed in me to the best of my skill and judgment, without prejudice or favour. So help me God.

V. And whereas certificates issued in consequence of this Act may be as liable to be counterfeited as the present currency of this State, and equally as pernicious to the State; Be it enacted that any person or persons issuing false certificates, or counterfeiting such as have been legally issued, shall be subject to the same and penalties as if they had been guilty of counterfeiting the currency of this State.

VI. And be it further enacted, that it shall not be lawful for any of the collectors of the pecuniary tax within this State to distrain for the same on any of the inhabitants of their counties who have just claims against the public until the first day of May next, any law to the contrary notwithstanding.

VII. And be it further enacted, by the authority aforesaid, that all purchases hereafter made for the use of the public, or on account of this State, shall be in specie, and certificates granted accordingly; which certificates are to be paid in specie, or the value thereof in the circulating currency, agreeable to the par of exchange at the time said certificates are paid; and all articles impressed, or otherwise entered into the public service, shall be valued in specie, and if lost by unavoidable accident, shall be paid for in the same manner as other articles furnished the public.

VIII. And whereas the present Board of Auditors have settled and allowed a number of claims since the sitting of the last Assembly, which ought to be reported agreeable to law, and as it may be necessary that the said claims be reconsidered, and the allowances made agreeable to this Act; Be it therefore enacted, by the authority aforesaid, that the present Board of Auditors may reconsider the claims already received, and issue certificates, in the same manner as is directed by this Act to the district auditors.

IX. And be it further enacted, by the authority aforesaid, that all certificates issued agreeable to this Act shall bear interest of ten per cent. and be free and exempt from taxation, in case the person to whom such certificate shall issue do retain the same in his own possession unpaid until the first day of March, which shall be in the year one thousand seven hundred and eighty two.

CHAPTER IV.

An additional Act to an Act, intituled, An Act for securing the quiet and inoffensive inhabitants of this State from being injured, for preventing such property as hath or may be confiscated from being wasted or destroyed, and for other purposes; for continuing an Act, intituled, An Act for suspending the operation of an Act, for carrying into effect an Act commonly called the confiscation Act; and for directing and regulating elections in particular instances; and also for giving further time to surveyors to compleat their surveys.

I. Whereas it is found by experience that the first recited Act is insufficient to answer the purposes intended thereby, and since the passing thereof new abuses have arisen: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the Commissioners of forfeited estates in each county, or for want of such the sheriff or coroner, and where there is no sheriff or coroner the county court, are hereby strictly enjoined to seize and take into their possession all such property as has been described in the said Act; and in case any person or persons should persist to retain the same in defiance of this and the foregoing Act, such commissioners, sheriff, coroner, or county court, as the case may be, shall call upon the commanding officer of the militia of the county for such aid as may be necessary to secure the quiet possession thereof; and every militia officer refusing or neglecting to act, when called upon in manner herein directed, shall forfeit and pay the sum of twenty thousand Pounds; to be recovered in any Court of Record, in the Name, and to the Use of the State. Provided nevertheless, That the Estates of all such Persons as have been heretofore in Arms against, and are now on Service in Defence of this State, and who shall continue therein so long as to compleat the Term of Eighteen Months actual service from the time of their entering respectively, and also the Estates of all such persons who having joined the enemy, may return and serve in the Army of this State, agreeable to a Resolve of this General Assembly, shall be suffered to be and remain in the peaceable Possession of the respective Families of all such Persons; any thing in this or any other Law to the contrary notwithstanding.

IV. And be it enacted by the authority aforesaid, That the Lands Tenements, Hereditaments, and Negro Slaves, shall be rented and hired out by public auction, to the highest bidder, for any Term not exceeding one year, and so from year to year, until the General Assembly shall direct otherwise; and the Horses shall be valued and put into the public service, and the Beef Cattle and Fat Hogs shall be delivered to the County Commissioners for public use; and all other Personal Property shall be secured and preserved as well as may be.

V. And whereas in many counties in this State, as it is asserted, divers bargains, contracts, sales, conveyances, and deliveries, have been made and entered into for property falling within the description in the said first recited Act, in order to evade the operation of the same Act; it is therefore hereby declared and enacted, that all such bargains, contracts, sales, conveyances, and deliverances, made and entered into since the expiration of the last session of the General Assembly (notwithstanding that the same may bear a prior date) shall be considered from the beginning as null and void, and made in direct violation of law; and all such property shall be

liable to the same process and proceedings as if such bargains, contracts, sales, conveyances, and deliveries, had never been made.

VI. And whereas many avaricious and evil disposed persons, in direct violation of many Acts of the General Assembly, have made entries of lands which come within the confiscation Act, and have actually seated themselves thereon, and cut and destroyed large quantities of timber, and committed manifold trespasses: For remedy whereof, Be it enacted, by the authority aforesaid, that the commissioners of confiscated estates in each county, or for want of commissioners the sheriff or coroner, or where there is no sheriff or coroner, the county court, shall as soon as may be after the passing of this Act cause an exact account to be taken of all lands in their respective counties, supposed to come within the confiscation Act, where entries or settlements have been made, or shall hereafter be made, and transmit the same to the attorney general at the first Superior Court to be held for the district in which such lands lie, with a description as exact as possible of such entries, settlements, and other trespasses; and the Attorney General is hereby directed and enjoined to prosecute all such trespassers in the name of the State, by indictment, action of trespass and ejectment, or any of them, as he shall think proper; and the Judges of the Superior Courts are directed and impowered to give judgment upon such prosecution, in the same manner as if such lands had been conveyed to the State by the common mode of conveyance, and all the formalities of the law had been strictly observed.

VII. And be it enacted, by the authority aforesaid, that where any property confiscated to the State by any Act of Assembly hath been, or may hereafter be conveyed out of the county to which the same originally belonged, it shall be lawful for the commissioners of forfeited estates, the sheriff, coroner or justices of the county as aforesaid, to pursue and seize such property in manner as if the same had never been removed, any law or statute to the contrary notwithstanding.

VIII. And whereas an Act of Assembly passed at Hillsborough in August last, intituled, 'An Act for suspending the operations of an Act for carrying into effect an Act commonly called the confiscation Act, will expire at the end of the present session of Assembly, unless further continued; Be it therefore enacted, by the authority aforesaid, that the said Act, passed at Hillsborough as aforesaid shall continue and be in force until the General Assembly shall otherwise direct.

IX. And whereas in some parts of this State divers persons have since the first day of June last attached themselves to the enemies of this State and the United States and openly appeared in arms against the same, and if such persons are suffered at the next annual election to choose Representatives to sit in the next General Assembly it may be attended with the worst consequences to the safety of the State; Be it therefore enacted by the Authority aforesaid, That all such Persons are hereby declared to be disqualified from voting for Members of the General Assembly, either at the annual or any other Election, of which the Judges and Inspectors of the Poll in every county are hereby directed to take due Notice.

X. And whereas from divers causes it may happen that there may not be either Sheriff or Coroner in some counties of this State to take and make return of Elections for Members of the General Assembly; Be it therefore enacted by the authority aforesaid, That where there shall not be either Sheriff or Coroner to take the Poll at the annual or any other Election, it shall be lawful for three Justices of the Peace to appoint some reputable Freeholder to hold the Election, with the same powers, directions and

restrictions, as Sheriffs by Law are invested with and subject to, and such Elections so made shall be as valid as if taken and held by the Sheriff or Coroner.

XI. And be it further enacted by the authority aforesaid, That the Surveyors of the several counties within this State shall be allowed a further time of twelve months from the passing of this Act to compleat their Surveys and make their returns to the Secretary's Office.

CHAPTER V.

An Act to Establish a Council Extraordinary.

I. Whereas it is absolutely necessary, in the present state of public affairs, to continue a council extraordinary, to advise with the Governor in all cases whatsoever;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that three persons of integrity and abilities, such as the General Assembly can place the greatest confidence in, be elected by joint ballot of both houses who shall be, and they are hereby constituted a council extraordinary to advise with the Governor in all cases whatsoever.

III. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for the Governor or commander in chief for the time being, by and with the advice of the said council extraordinary or any two of the members thereof, to take, pursue and execute, all and singular the powers and authorities heretofore vested in the board of war and council of State; to call upon the commercial agent, the commissioners of trade, the county commissioners, the commissioners of stores, quarter masters and all other persons possessed of public property belonging to this State, for any stores or other articles necessary for carrying on military operations; to appoint or suspend occasionally all militia officers, county commissioners, quarter masters, commissaries and all officers in the staff department; to draw on the treasury and the commissioners of trade for public monies; and finally to do and execute every other act and thing which may conduce to the security, defence and preservation, of this State; and the said council may exercise all other the rights, powers and authorities, which the council of state might have exercised in a state of war.

IV. And be it further enacted, by the authority aforesaid, that the said council extraordinary be, and they are hereby impowered to appoint a secretary to the said council and make him a proper and reasonable allowance for his services; who shall keep a register or journal of all the proceedings of the treasurers and lay the same before the next General Assembly.

V. And be it further enacted, by the authority aforesaid, that there shall be paid to each of the members of the said council extraordinary two hundred pounds per day while attending the duties of their appointment for their respective services enjoined them by this Act, by any of the treasurers, out of the public tax, which shall be allowed such treasurers in their accounts with the public.

VI. And be it further enacted, by the authority aforesaid, that in case any of the members of the said council of extraordinary should die, remove out of this State, with design to settle without the limits thereof, or refuse to undertake the duties of his appointment, it shall and may be lawful for the Governor or commander in chief for the time being, by and with the advice

of the other acting members of the said council, to appoint some other person or persons in the room and stead of such member or members so dying, removing, or refusing to act; who shall on accepting such appointment, be invested with all the powers and authorities, and entitled to the same emoluments, that any of the members of the said council elected by the General Assembly under this Act are vested with and intitled to.

VII. And be it further enacted, by the authority aforesaid, that an act of Assembly passed last session, intitled, "An Act for establishing a board of war, and other purposes," to be, and the same is hereby repealed and made void.

VIII. And be it further enacted, by the authority aforesaid, that this act, and every clause and article thereof, be, and continue in force until the end of the next session of the General Assembly, and no longer.

CHAPTER VI.

An Act to vest the executive powers of the government in the present Governor, and to continue the delegates from this State to the Continental Congress after the fifteenth day of April next on the contingency therein mentioned, and for other purposes.

I. Whereas the constitution or form of government directs that the General Assembly at their annual meetings, shall choose a Governor, council of State, and Continental delegates, and this State being now invaded by the enemy in different quarters, the operations of the war may make it impracticable to hold the annual elections, and impossible for the General Assembly to meet at the usual time; and whereas it is absolutely necessary for the public safety that the executive powers of the State be exercised in the usual manner, in case the annual assembly cannot meet so as to choose a Governor, council and delegates, agreeable to the constitution.

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same that in case the annual General Assembly cannot meet or be convened, so as to exercise the powers vested in them by the constitution, and choose a Governor, council and delegates, on the fifteenth day of April next, then and in that case, (not otherwise) the executive powers of a Governor and council shall be vested in Abner Nash, Esq., the present governor (with the title of governor and commander in chief) and the council extraordinary, until the next General Assembly which shall be held after the said fifteenth day of April next, with all the powers, authorities, privileges and exemptions, to which the Governor and council are entitled under the constitution, and any act or acts of the Assembly; and that the present delegates appointed to represent this State in the Congress of the United States, or any of them, be hereby authorized to exercise the same powers with which they are now invested after the said nineteenth day of April, provided that no new choice of delegates shall be made by the General Assembly before that date, but not otherwise.

III. And be it further enacted, by the authority aforesaid, that in case the General Assembly should not meet at the time and place which hath or may be appointed, the Governor or commander in chief for the time being, with the advice of the council extraordinary, is hereby authorized and impowered to convene the said General Assembly at any other time, and to any other place, which may be thought absolutely necessary for the safety of the State.

IV. And whereas in case of the death, absence, or incapacity, of the per-

son hereby nominated and appointed to exercise the powers of Governor on the contingency aforesaid, the executive powers of the State will become dormant, unless further provision is made by this Act: To prevent which, Be it enacted, by the authority aforesaid, that if by virtue of this Act the powers of a Governor should devolve on the said Abner Nash, Esq., for want of a constitutional choice of Governor on the fifteenth day of April next, as aforesaid, and the said Abner Nash should die, remove, or be otherwise rendered incapable of exercising the powers of government, then, and in that case, the members of the council extraordinary, with any two of the continental delegates of this State who may then be actually residing therein, shall, and they are hereby required, by a majority of votes, to choose some other person to exercise the powers of a Governor, and so, from time to time, as occasion shall require; and such person so chosen to act as Governor shall be vested with the same powers and authorities, as if he had been particularly named in this Act.

V. And whereas it is absolutely necessary to prevent the exportation and transportation of provisions, by land or water; Be it enacted, by the authority aforesaid, that it shall not be lawful to export, or in any wise remove out of this State, any kind of provisions, until the end of the next session of the General Assembly, excepting such quantities as may be necessary for victualling the crew of any vessel going on a voyage or cruize, unless permitted by his excellency the Governor, by and with the advice of the council extraordinary; and in case any person shall remove, or attempt to remove out of this State, any kind of provisions, other than is hereby allowed and permitted, it shall be lawful for the naval officer, the sheriff of the county or any other officer, to seize all such provisions, together with the vessel, or other conveyance wherein the said provisions may be, all which articles are hereby declared forfeited to, and for the sole use of the State, and the owner of such provisions as aforesaid shall be further liable to pay the sum of five thousand pounds currency, to be recovered in any court of admiralty, or other court of record in this State, and applied to the use of the informer; and the owner aforesaid shall also be liable to the costs of the court where the same may be tried.

CHAPTER VII.

An Act for encouraging the importation of Arms, Ammunition and other warlike stores, and other purposes.

I. Whereas it is absolutely necessary that this State should be constantly and effectually supplied with arms, ammunition, and other warlike stores;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that from and after the first day of April next, all vessels belonging to this or the United States, coming from foreign ports unto any ports in this State with an intention to trade, shall be subject to a duty, payable to the commissioner of the port to which they arrive, of five shillings in specie, or the value thereof in circulating currency, for every ton of their burthen, the tonnage of all vessels to be computed according to their real dimensions, for the ascertaining whereof the master of each vessel shall deliver to the commissioner on oath the length of keel, breadth of beam, and depth of hole of his vessel. Provided nevertheless, that vessels bringing arms, ammunition and other warlike stores, for the use of the State, into any of the ports thereof and shall deliver them as hereafter directed to the commissioners appointed to receive them, shall for every three Spanish milled dollars value

in the articles aforesaid, original cost in the port from whence they arrive, be exempted from the duty upon one ton of their burthen to-wit, five shillings specie as aforesaid, and so in proportion for the whole of the articles aforesaid which they may bring; and should the arms, ammunition, and other warlike stores, which such vessels may bring, amount to more than will intitle them to an exemption from the duty of tonnage, in that case the importer shall be allowed and intitled to receive a bounty of five shillings specie, or the value thereof in circulating currency, for every Spanish milled dollar's value, at the original cost which the surplus may amount to, payable out of the fund arising from the duty aforesaid.

III. And be it further enacted, by the authority aforesaid, that the masters of all vessels coming into any of the ports of this State with an intention of trading, shall previous to their breaking bulk, and before their entry at the naval office of the port, make report to the commissioner of what arms, ammunition, or other warlike stores, they have brought for the use of the State, and produce an original invoice thereof upon oath; and if the goods were bought in any of the ports of the West Indies, the commissioner is hereby directed and impowered to allow one hundred and fifty per cent. advance upon such invoice; but if the goods were bought in any of the ports of Europe, the said commissioners is hereby impowered and directed to allow three hundred per cent. advance upon the invoice so produced; and after receiving the articles agreeable to invoice, to give a certificate or draft for the amount, payable in specie or the value thereof in currency to be ascertained by two indifferent persons residing at the place of importation, mutually chosen by the parties, upon the treasurer of the district, to whom such certificate shall be a voucher in passing his accounts, and shall be allowed accordingly; but if the treasurer has it not in his power immediately to pay and discharge the certificate so drawn, then the proprietor of such arms, ammunition, &c., shall be at liberty to dispose of them as he thinks proper, and shall moreover be exempted from the duty, or intitled to the bounty, in proportion to the quantity, as the case may be; and the commissioners upon receiving the duties, arms, or ammunition and other warlike stores, as by this Act directed, are to certify the same to the naval officer of the port in writing, without which certificate being produced to him, he shall suffer none of the vessels herein described to enter at his office.

IV. And be it further enacted, by the authority aforesaid, that Charles Johnston is appointed for the port of Roanoke; William Ferrebee, Jun., for the port of Currituck; William Brown, for the port of Bath; James Coor, for the port of Beaufort; for the port of Brunswick William Hill, with full powers to administer the oaths by this Act required; and they shall each respectively make monthly returns to his excellency the Governor, or such other person or persons as may be hereafter appointed to receive the same, and shall also keep a regular account of all their transactions, ready to be laid before the General Assembly when called for; and for the performing their duty herein, they shall be intitled to draw and receive a commission of five per cent, on all duties received, and all certificates or drafts upon the treasurer.

CHAPTER VIII.

An Act to enlarge the powers of the Quarter Master General.

I. Whereas it is necessary that the powers of the Quarter Master General and of his deputy, should be competent to the purpose of their appointments;

II. Be it enacted by the General Assembly and by the authority of the same, That the quartermaster-general, or his deputy, within this State shall have full power and authority to draw out of the hands of any person or persons, holding public monies, a sum of money not exceeding five hundred thousand pounds, to be applied to the purchasing necessaries for the army.

III. And be it further enacted by the authority aforesaid, that in case such sum of money cannot be obtained, or persons possessed of the articles which in the quarter master's department the army may require shall refuse to sell them for the currency of the State, that then, and in that case, the quarter master or his deputy, as aforesaid, be, and is hereby impowered, to grant certificates to those of whom such purchase shall be made to the amount of the sums due; which certificates shall be payable in twelve months and shall bear interest at six per cent. and shall be received, with an allowance of depreciation from the time of the contracts until they are fully paid and satisfied.

IV. And be it further enacted, by the authority aforesaid, that in case any person possessed of the articles which the quarter master department shall require for the use of the army, should refuse either for the current money of the State or for certificates, to sell the same, that then, and in that case, the quarter master general, or his deputy, within this State, shall be impowered to impress the same, in the same manner as impressments are directed by the militia law, and to have them valued by two indifferent free holders; and shall, if the party requires it, grant certificates to the amount of such valuation, to bear interest, and be intitled to depreciation as aforesaid.

CHAPTER IX.

An Act to continue an Act, intitled, An Act to continue an Act, intitled, An Act to amend part of an Act for emitting eight hundred and fifty thousand pounds in bills of credit, for discharging the debts incurred by this State in raising men to reinforce the batallions, belonging to this State in the Continental Army, for calling in all former emissions, and other purposes.

I. Whereas by the before recited Act the redemption of the bills of credit emitted under the authority of Congress at Hillsborough, in the year one thousand seven hundred and seventy-five, and those emitted under the authority of the Congress held at Halifax, in the year one thousand seven hundred and seventy-six, was postponed to the first day of May, in the year one thousand seven hundred and eighty, and the exigencies of the State require a further time for the redemption of the said emissions:

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the redemption of the said late emissions be further postponed until the fourth day of February, one thousand seven hundred and eighty four, and from thence until the end of the next session of the assembly.

CHAPTER X.

An additional Act to an Act, intitled, An Act concerning Servants and Slaves.

I. Forasmuch as by the laws of this State in all cases whatsoever where a slave has been guilty of a criminal offence which inflicts the punishment

of death, and is tried and convicted thereof, many poor widows, orphan children, and other good citizens of this State, may be deprived of their chief, and perhaps only support, as the allowances heretofore made by law can in no case exceed the sum of seven hundred pounds: For remedy whereof:

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that when a slave shall hereafter be guilty of a criminal offence, for which such slave shall be condemned to suffer death, the court before whom the trial shall happen are hereby required to certify in writing under their hands, the value of the slave in the currency of the State at the time of trial; and the owner of the slave so condemned and executed shall be intitled to the one half of such valuation, to be paid out of the public treasury of this State, any custom or law to the contrary notwithstanding.

CHAPTER XI.

An Act to amend an Act, intitled, An Act to prevent the impressment of Boats, Waggons, Carts, and other Carriages, employed in carrying salt and for other purposes therein mentioned.

I. Whereas, through some omission in the above mentioned Act, the load of provisions carried in said waggons, carts or other carriages, was not included in said exemption from impressment, and whereas it is necessary that all kinds of produce or provisions carried for the purpose of purchasing salt only should be exempt as well as the carriages;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that from and after the passing of this Act, every kind of produce or provisions carried for the purchase of salt only, as well as the salt, be exempt from impressment, in the same manner, and under the same regulations as the carriages.

CHAPTER XII.

An Act to continue an Act, intitled, An Act for quieting such persons as may suffer in their titles and claims of land, by reason of the extension of the boundary line between this State and the commonwealth of Virginia.

I. Whereas an Act, intitled, An Act for quieting such persons as may suffer in their titles and claims of lands, by reason of the extension of the boundary line between this State and the commonwealth of Virginia, which passed the last session of the Assembly, will expire, unless it be further continued;

II. Be it therefore enacted, that the same shall be, and is hereby continued, until the claims mentioned in the said recited Act shall be fairly heard, and finally determined, by the General Assembly of this State.

Read three times and ratified in General Assembly, the fourteenth day of February, 1781.

ALEXANDER MARTIN, S. S.,
THOMAS BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1781.

At a General Assembly begun and held in Wake County on the ——— day of June, in the year of our Lord one thousand seven hundred and eighty one, and in the sixth year of the independence of the said state: Being the first session of this Assembly. *Thomas Burke, Esq.*, Governor.

CHAPTER I.

An Act for raising Troops out of the Militia of this State for the defence thereof, and for other purposes.

I. Whereas it is necessary to raise troops for the better security and defence of this State, and to prevent as far as may be the distresses occasioned by the frequent drafts from the battalions of militia;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the colonel or commanding officer of each and every battalion within this State shall, on or before the second Monday in August next, order the field officers and captains of his battalion to meet at the place by law appointed for the general musters of his battalion, or at some other convenient place; and the field officers and captains then and there present shall divide the said battalions, officers and men of every rank included (his excellency the governor, judges of the superior courts of law, attorney general, and continental delegates, excepted) into classes of forty men each, after deducting all such who by themselves or substitutes faithfully served for the space of nine months, agreeable to an act of assembly passed at New Bern in May, 1778, and all such as have been captured and made prisoners when in actual service of this or the United States, and are now on parole, and all such as have been lately drafted or have voluntarily inlisted into the continental service for the space of twelve months, and have hired substitutes: And whereas it may happen that a number not sufficient to make a class, after dividing the battalions into classes of forty men each, may be left, then, and in that case, it shall and may be lawful for the said commissioned officers, by lot, to determine to which class each of them shall be added, there to stand a draft; and the commanding officer of the battalion shall within twenty days thereafter order a general muster of his said battalion, and in case the respective classes do not furnish each a volunteer, he shall proceed to draft one man from each of the said classes so failing.

III. And be it further enacted by the authority aforesaid, that the field officers and captains shall class the men in such manner, that each class may be of equal value, as near as may be agreeable to the assessment of their taxable property.

IV. And be it further enacted, that the said volunteers, drafted men, or substitutes, who shall not be in actual service, shall appear at the place of rendezvous appointed by the commanding officer of the county on or before the twentieth day of September, under the pains and penalties herein after mentioned; but if any of the said drafted men should be in actual

service at that time, they shall be allowed forty days after their discharge to appear at the place of rendezous, or to join their regiment.

V. And be it further enacted, by the authority aforesaid, that the troops raised by virtue of this act shall serve for the term of twelve months, from the time of their general rendezvous at such place or places in this State as may be appointed by his excelleny the Governor; and the said troops shall be officered in the following manner: one lieutenant colonel commandant, two majors, eight captains, eight lieutenants, and eight ensigns, and be arranged and organized in the same manner as the battalions of the continental army, the whole to be under the supreme command of the Governor for the time being. Provided, that they shall not be marched out of this State except for the better defence thereof, upon the immediate approach of the enemy, or in pursuit of the enemy on a retreat therefrom.

VI. And be it further enacted by the authority aforesaid, that any person harbouring, concealing or abetting, any soldier deserting from the troops raised by virtue of this act, knowing him to be such, shall on conviction thereof before two justices of the peace of any county of this State, be deemed a continental soldier during the war.

VII. And be it further enacted, by the authority aforesaid, that the commanding officer of each battalion shall make out two exact lists of all the soldiers drafted, or procured by voluntary enlistments, out of his battalion, specifying the names, age, size, complexion, colour of hair and eyes, of each man, also where born, and the names of the captains from whose company taken; one of which by him, or one of his field officers, shall be delivered with the men so raised on or before the eleventh day of October next, at such place of rendezvous in this State as may be appointed by his excellency the Governor, commander of the said troops, or other person appointed to receive them, and also take a receipt for the delivery of the men on the other.

VIII. And be it further enacted, by the authority aforesaid, that each and every class shall furnish and deliver unto the commanding officer of the battalion to which they belong, one blanket, two pairs of stockings, two pair of shoes, two shirts, two leather stocks, one pair of buckskin or thick cloth breeches, one pair of linen overhalls, one waistcoat lined, one coat of thick woollen cloth lined with linen, with cape and cuffs of white cloth, one strong hunting shirt, one good woollen or fur hat of a middle size, and also five yards of strong linen, for tents, for the volunteers and drafts of their own class, and in proportion to their taxable property; and the commanding officer is hereby required to cause the said cloathing to be appraised by two freeholders, and give certificates to the persons furnishing the same, which shall, after being allowed by the auditors of the district, and a certificate of such allowance obtained from them as in other cases of allowances, be received in payment of public taxes: Any class failing to deliver the same to the commanding officer of the battalion to which they belong on or before the day of general rendezvous, that then the field officers and captains shall appoint a person, whose duty shall be to furnish such articles as the law directs his said class to furnish; and each of the classes who fail to furnish their proportion of cloathing, the said person shall have full power and authority to seize and sell such part of the property of such person neglecting as shall be sufficient to defray the proportion of such person, agreeable to his assessment in the year 1781: And in case such person so appointed as aforesaid shall fail or neglect to comply with his duty, then the colonel or commanding officer shall by

warrant seize and sell so much of the property of such person appointed as aforesaid as shall be sufficient to furnish such volunteer, draft or substitute, with such articles as the law directs.

IX. And be it further enacted, by the authority aforesaid, that no substitute for any volunteer or draft shall be received, unless approved of by the officer, or other person appointed to receive the same.

X. And be it further enacted, that officers and soldiers raised by virtue of this act shall in all cases whatsoever be subject to the same rules and discipline, and have the same pay and rations, as the officers and soldiers raised by virtue of the continental congress, during the time they shall continue in service.

XI. And be it further enacted, that all the taxable property within the district of each battalion, whose owners are neither in continental service, or liable to be classed as by this act directed, shall be subject to a tax of three pounds upon every hundred pounds value of their taxable property, agreeable to their assessment for the year 1781 (the property of widows and orphans, and also the property of all quakers, moravians, menonists and dunkards, whose owners are liable to a threefold tax, excepted) an exact list of the owners of which property shall be returned by the respective captains of each battalion to the collectors of public taxes on or before the first day of October next, which tax is to be collected for the present year, and accounted for as other public taxes.

XII. And be it further enacted, by the authority aforesaid, that every militia officer employed in carrying this act into execution shall be allowed pay and rations for the time he is in actual service; and every officer failing to comply with the duties of this act shall forfeit the sum of ten thousand pounds, to be collected in the same manner as fines inflicted by the militia law are collected, which fines shall be paid to the county treasurer for the use of the county.

XIII. And be it further enacted, that the sheriff, for levying any warrant directed to him by the colonel or commanding officer, shall be allowed five per cent. for such service.

XIV. And be it further enacted, that no British deserter, Hessian deserter, apprentice, Indian, sailor, or negro slave, shall be received as a substitute for any volunteer or person drafted in consequence of this act; nor shall any such persons (apprentices excepted) be classed or admitted into the service, in order to exempt any of the said classed from a draft.

XV. And be it enacted, by the authority aforesaid, that all persons who shall be drafted by the direction of this law, or voluntarily inlist in the State troops, who do not appear at the place and time of rendezvous, or send an able bodied substitute in his or their room, or in ten days make a sufficient excuse on oath, shall be held and deemed a continental soldier during the war; and in case such delinquents do not deliver themselves up to the colonels of their respective counties, or some continental officer, in thirty days after, they shall be deemed as deserters from that service, and treated accordingly.

XVI. And be it further enacted, by the authority aforesaid, that any person who shall apprehend and deliver, or cause to be apprehended and delivered to a Continental officer, any deserter from the Continental, the State troops service, or delinquent from the militia service, on producing a receipt for the delivery of such deserter or delinquent to the colonel or commanding officer of the county wherein he shall reside, shall be intitled to an exemption from a three months tour of military duty.

XVII. Be it further enacted, by the authority aforesaid, that one hundred

of the men ordered to be raised by virtue of this Act be commanded by a major, three captains, three lieutenants, and three cornets, exclusive of the officers before mentioned in this Act, to be under the command of the said lieutenant colonel commandant, furnished each with a good horse fourteen hands or upwards high, and properly equipped as horsemen: And that each commanding officer of every county within this State be directed to purchase or impress from his respective county two horses, two saddles, two bridles, two hats or two leather caps, two swords, two pistols, and two pair of boots and spurs, for which he shall grant certificates as in all other cases; all of which horses, and before enumerated articles, the said commanding officer of each county shall deliver at the place of general rendezvous at the time appointed in this Act for the delivery of the aforesaid drafted soldiers.

XVIII. And be it further enacted, by the authority aforesaid, that every person drafted by virtue of this Act shall be intitled to the like specific allowances as the men drafted for twelve months, agreeable to an Act of the General Assembly passed at Halifax in February last are intitled to.

XIX. And be it further enacted, that every volunteer or draft who shall faithfully serve the aforesaid term, shall be exempted from all military duty twelve months next ensuing the time of his discharge; and every person finding a substitute as by this Act admitted, shall be exempted from all military duty during the service of the said substitute, and no longer; and that no discharge to any substitute shall intitle such substitute to any exemption whatever.

CHAPTER II.

An Act for continuing the District Auditors of this State, directing their duty in office, and for other purposes.

I. Whereas it is absolutely necessary that the pay due, or which may hereafter be due, for militia duty, and all other claims against the State for articles furnished or impressed, or which hereafter may be furnished or impressed, should be speedily settled, and certificates granted for the same;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that a Board of Auditors be constituted and appointed in each of the Districts of Newbern, Wilmington, Hillsborough, Halifax, Edenton, and two for the District of Salisbury, each board to consist of three members, to be composed of the following persons, and a clerk to be chosen by each board respectively, that is to say, James Coor, John Hawks, and William Bryan, Esquires, for the District of Newbern, John Spicer, Sen., William Dixon, and John King, of Bladen, Esquires, for the District of Wilmington, John Macon, William Green, and John Branch, Esquires, for the District of Halifax, Absalom Tatum, Charles Abercrombie, and John Rand, Esquires, for the District of Hillsborough, Edward Everigin, Lawrence Baker, and William Righton, Esquires, for the District of Edenton, Matthew Lock, William Cathey, and David Wilson, Esquires, for the Lower Board, and John Brown, Daniel McKezick, and Alexander Irwin, Esquires, for the Upper Board, comprehending the Counties of Washington, Sullivan, Rutherford, Burke, Lincoln and Wilkes, for the District of Salisbury; and such auditors shall have, and are hereby vested, each board in its respective district, with

full power and authority finally to settle and adjust all claims against the State for militia pay, and for articles which are or may be purchased or impressed for the use of this State (purchases made by County Commissioners or their assistants excepted) as to them may appear just, and to subtract from any claim all such sums as appear to them unreasonable, notwithstanding the same may be duly sworn to, or to lay over and refer all such claims to the State auditors, or the General Assembly, as they may judge necessary.

III. And be it further enacted, by the authority aforesaid, that where it shall so happen that in any claim the articles furnished or impressed shall not have been valued agreeable to law, then, and in all such cases, the following prices in specie shall be allowed, or the lawful value of such specie in the currency of the State, that is to say, For salt beef per barrel seven pounds, fresh beef per hundred weight two pounds four shillings, good pork per barrel eight pounds and sixteen shillings, bacon per pound one shilling and four pence, fresh pork per hundred weight two pounds and sixteen shillings, each good sheep one pound twelve shillings, wheat per bushel twelve shillings, flour per hundred pounds one pound sixteen shillings, oats per bushel four shillings, sheaf oats, each large sheaf four pence, rye per bushel eight shillings, hay and corn blades per hundred pounds six shillings, bran per bushel eight pence, corn per bushel six shillings, salt per bushel two pounds, salt in Hillsborough district per bushel three pounds four shillings, salt in Salisbury district per bushel four pounds, good brandy per gallon ten shillings, good whisky per gallon eight shillings, West India rum per gallon fourteen shillings, French taffia per gallon eight shillings, molasses per gallon ten shillings, good cyder per barrel one pound ten shillings, brown sugar per pound one pound six pence, bar iron per pound one shilling four pence, pot iron per pound one shilling four pence, shoeing a horse, each shoe two shillings, hire of a horse per day two shillings six pence, hire of a cart and team each day twelve shillings, hire of a waggon without team each day four shillings, hire of a waggon and four horses, with geer complete and driver, each day twenty four shillings, butter and cheese per pound one shilling and four pence, and when in any claim there shall be articles charged not rated in this act, nor valued agreeable to law, the auditors shall allow such prices as shall appear just, having respect to the rated articles: And the several auditors in their respective districts shall have full power and authority to issue certificates, indented and numbered, for whatever sums they may allow in specie, which certificates shall be signed by at least two of the auditors, and countersigned by the clerk, and all certificates issuing so attested shall be deemed, and are hereby declared lawful vouchers in the settlement of all public accounts, and the tax gatherers, county treasurers, and public treasurers, are hereby directed to receive such certificates in payment of public taxes: And the auditors are hereby respectively required to sit at some convenient place near the centre of the district, at their discretion, from time to time, till the General Assembly shall otherwise direct; and shall by their clerk transmit a copy of their proceedings, together with the counterpart of the certificates by them issued, on oath, to the State Board of Auditors: And it is hereby provided, that in case of the death, neglect, or refusal to act, of any auditor, it shall be lawful for the other members of the board to fill up such vacancy, or on failure thereof, the representatives of the county where the vacancy happens shall fill up the same, and the person so appointed shall have the same privileges and powers as the auditors appointed and nominated in this Act; and such auditors and clerk

shall, before they enter on the execution of their respective duties, take before some justice of the peace the following oath, to wit,

I, A. B., do solemnly swear, that I will faithfully execute the trust reposed in me as auditor for the district of ——— (or clerk, as the case may be) to the best of my skill and judgment, according to law.

IV. And the better to carry this Act into effect, Be it enacted, that the sum of five thousand pounds be paid to the clerk of each board by the treasurer of each district, for purchasing stationary, payment of house rent, and other incidental charges; and the District Auditors and clerk shall each have and receive the sum of twenty shillings specie for each day's attendance on the duties of their appointment, or currency equal to the value of such amount in specie; and the respective clerks shall return on oath an account of the public expenditures of the board, and the number of days each member may have attended, to each session of the General Assembly, or State Auditors, as the law may direct.

V. And whereas certificates issued in consequence of this Act may be as liable to be counterfeited as the present currency of this State, Be it therefore enacted, by the authority aforesaid, that any person issuing false certificates, or counterfeiting or altering such as may be lawfully issued, shall be subject to the same pains and penalties as if they had been guilty of counterfeiting the currency of this State.

VI. And be it further enacted, by the authority aforesaid, that all certificates issued in consequence of this Act, or by the late District Auditors, for sums not less than one pound specie, or the lawful value thereof in the currency of the State, shall bear an interest of six per cent. from the date and be free from taxation until paid, in case such certificate shall remain unpaid until the first day of May, in the year one thousand seven hundred and eighty three, after which time all such certificates shall be payable out of the public treasury of this State; together with the interest due thereon, in specie, or the true and real value of the amount of such specie in the currency of this State; and all such certificates shall at any time before the said first day of May, one thousand seven hundred and eighty three, at the option of the holder, be a tender in payment of public taxes, at the rate of two hundred for one, and the tax-gatherers and treasurers are hereby required to receive them accordingly, the person so tendering the same first indorsing on the back of such certificate the time when, and the officer to whom paid as aforesaid. Provided, that the aforesaid proportion or difference of value between specie and the currency of this State, shall not apply or be considered as the value of any salaries, fees, or other allowances, which by law are rated in specie; all which shall be paid in specie, or the true value of such specie in the currency of the State, any thing in this Act to the contrary notwithstanding.

VII. And be it further enacted, by the authority aforesaid, that the pay due the militia shall be considered in specie, and regulated and settled agreeable to the Act of Assembly regulating the militia in the year one thousand seven hundred and sixty eight.

VIII. And be it further enacted, by the authority aforesaid, that all appraisers of articles impressed, or otherwise entered into public service, the value of which not being ascertained in this Act, shall be valued on oath by two freeholders in specie, as near as may be to the specie value of the same. Provided nevertheless, that all claims for articles furnished this State before the fourteenth day of February last, not heretofore allowed, shall be settled agreeable to the prices ascertained in an Act

of Assembly passed at Halifax, intituled, 'An Act for appointing District Auditors for the settlement of public claims; provided that no Board of Auditors shall be at liberty to settle or allow any cloaths lost, rails burnt, or any other damages, except for fields of grain, meadows or pasturage, taken for the use of the army, until ordered by the General Assembly.

IX. And whereas, there is only one commissioner now remaining for the port of Roanoke, occasioned by the refusal of William Savage to act, the death of Joseph Hewes, John Campbell and Robert Hardy, and the law under which they are appointed provides that the survivors or a majority of them, shall in case of death, refusal or removal, appoint others in their room: To remove this difficulty, Be it enacted, by the authority aforesaid, that Robert Smith, Josiah Collins, William Bennett, and Nathaniel Allen be, and they are hereby appointed commissioners of the said port, and invested with the same powers as those heretofore by law appointed.

X. And be it further enacted, by the authority aforesaid, that a brigadier general of militia be allowed the sum of twenty four shillings specie per day, together with rations as heretofore allowed by law a brigade major, and an aid de camp to the brigadier, and waggon master general, when necessary, shall have the pay and rations of a major; that the brigade quarter master, waggon master, purchasing commissary, and issuing commissary, shall be intitled to receive the pay and rations of a lieutenant; and the auditors shall not settle the pay of any militia soldier, unless a pay roll on oath shall be produced from the captain or commanding officer under whom they served, certifying the term of service, and amount of pay received by each officer and soldier; and that a sergeant major be allowed the pay and rations of an ensign.

CHAPTER III.

An Act for levying a Money and Specific Provision Tax for the year One Thousand Seven Hundred and Eighty One.

I. Whereas it is absolutely necessary that money and provisions be collected for defraying contingencies, and supporting the armies which are or may be employed in defending this State from the ravages of the enemy;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that for the present year a public tax of four shillings currency on every pound value of taxable property, and four pence in the pound on all monies within this State (Continental and North Carolina loan office certificates, money and monies on interest belonging to widows and orphans estates, excepted) provided that the money and money at interest (except as herein before excepted) shall pay a tax of four pence in the pound, and no more; and that money and money at interest belonging to Quakers, Moravians, Menonists, and Dunkards, shall pay a tax of twelve pence in each pound, and no more.

III. And be it further enacted, that one fourth part of the whole of the monies arising from this tax be paid and collected in Continental money, which shall be kept in the treasury, and be appropriated solely to the discharge of the requisitions of Congress on this State: And that a further tax of one hundred and fifty pounds currency on all single men whose taxable property shall not amount to the sum of one thousand pounds

currency, be levied and accounted for pursuant to an Act, intituled, 'An Act for determining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting public taxes, and other purposes,' and an Act passed at Newbern in April, one thousand seven hundred and eighty, for amending the aforesaid Act.

IV. And be it further enacted, by the authority aforesaid, that Quakers, Menonists, Non-Jurors, Moravians, and Dunkards, shall for the present year pay a tax of twelve shillings currency on every pound value of their taxable property, in consideration of their being exempt from militia duty (the property of persons of fifty years of age, widows and orphans, of those denominations, excepted) all which property shall not be liable to pay more than such amount of taxable property belonging to persons liable to militia duty would be liable to pay; and no person shall be considered as a non-juror, excepting only such as having been lawfully called upon, have refused to take the oaths of allegiance to this State. Provided nevertheless, that single men of any of the said denominations, whose taxable property does not amount to one thousand pounds, shall pay a tax of four hundred and fifty pounds currency, exclusive of the tax on property.

V. And be it further enacted, by the authority aforesaid, that in case any county court should neglect to appoint assessors and collectors as the law directs, it shall be lawful for the sheriff, or other officer, to summon the justices to appear at the court house, or other convenient place in the county, on a certain day, and that they, or any five of them, having met, shall be authorized to appoint assessors and collectors; and the persons so appointed shall, on qualifying and giving bond agreeable to law, have the same powers, be entitled to the same emoluments, and be under the same penalties and restrictions, as if they had been appointed by the court of the county in due time, according to law.

VI. And be it further enacted, by the authority aforesaid, that the county treasurer shall, and he is hereby required, within ten days after receiving the public tax from the collectors of the different districts in his county, to pay the same into the public treasury of his district; and the collectors of each respective district shall, and they are hereby required, within sixty days next after receiving the lists or accounts of taxable property in their respective districts, to collect the amount of all such taxes, and after deducting their commissions, pay the remaining sums into the hands of the county treasurer, any law or custom to the contrary notwithstanding. And in case any collector shall refuse or delay to comply with the directions of this act, it shall be lawful for any two justices of the peace for such county, on the application of the county treasurer, to issue their warrant against such offending collector, and finally to hear and determine on the complaint, and to order execution against the goods and chattels, lands and tenements, of such collector and his securities, for the whole amount of the taxes due in his district, including his commissions, which in such case the collector is hereby declared to forfeit; and in like manner, in case any county treasurer shall fail to comply with this act, in paying the amount of the county tax into the public treasury, it shall be lawful for the county court, on complaint of the district treasurer, to summon such county treasurer to appear before them, and provided the county treasurer hath ten days previous notice in writing, whether such county treasurer do appear or not, the court shall proceed to inquire, and by verdict of a jury determine the complaint, and give judgment and award execution against the goods and chattels, lands and tenements, of such county treasurer and his securities, for the whole amount of the public tax which may be due in his county,

making allowance for such sums as the county treasurer could not receive from the district collectors agreeable to this Act; and the court shall also appoint an officer to levy the execution which may issue against any county treasurer, and pay the money into the public treasury without delay, which officer shall, on producing the treasurer's receipt, be entitled to receive two per cent. on the sum paid into the public treasury.

VII. And be it enacted, by the authority aforesaid, that for the present year a specific provision tax be levied on all the taxable property of the inhabitants in this State as follows: Each and every inhabitant of this State shall for every hundred pounds value of their taxable property (money and money at interest excepted) contribute and pay to the commissioner of his respective county one peck of corn, or half a peck of wheat, or one peck or rough rice, or one and one half peck of oats, or one peck of rye, or half a peck of clean rice, or two and a half pounds of good fresh pork, or one and a half pounds of good salted pork, or four pounds of good fresh beef. Provided, that the article of Indian corn shall be delivered between the first day of January and the first day of February next. And provided, also, that every inhabitant of this State shall be allowed on account of the provision tax he may be liable to pay, for all such provisions as he may supply on account of the public after the passing of this Act, and before the first day of February next, in case they produce a certificate of such supply, duly sworn to, to the County Commissioner, and the County Commissioners shall respectively be allowed for all such certificates in the settlement of their public accounts; and in case any such certificate should exceed the amount of the provision tax due them, the commissioners shall give such person a certificate for the balance due, and take a receipt on the original certificate for the amount of the provision tax; and shall be bound and obliged severally to convey and deliver the same at such places, warehouses or magazines, not exceeding three within any county (the County of Rowan excepted, and in that not exceeding four) as may be ordered and directed by the commissioners of each respective county: And that any person who shall refuse or delay to advance his or her proportion of this specific tax in some one or more of the before mentioned articles, agreeable to the true intent and meaning of this Act, between the first day of September and the first day of February next, the collector of the district shall and may, by warrant from the commissioner, make distress, seizure and sale, of the goods and chattels, lands and tenements, of the person so refusing or neglecting, sufficient to purchase double the quantity of such specific supplies, at the highest price then current in the district; and the collector shall pay the same into the hands of the County Commissioner, who shall be answerable for the same in settlement of his accounts; and the collector shall be intitled to receive for every seizure or distress the sum of forty pounds, and no more.

VIII. And be it further enacted, by the authority aforesaid, that all Quakers, Moravians, Menonists, and Dunkards, shall be taxed, and shall pay and deliver in the specific enumerated articles aforesaid, or some one of them as an equivalent, for exemption from militia duty, three times the quantity which the inhabitants liable to militia duty in this State would for the same amount of taxable property be liable to pay; all single men not possessed of one thousand pounds taxable property (such as are in the regular service excepted) shall pay a specific tax on the said sum, any law or custom to the contrary notwithstanding.

IX. And be it further enacted, by the authority aforesaid, that immed-

iately after the passing this Act, the sheriff of each county in this State shall summon the justices within his county to meet at the court house, or some other convenient place, within six days after such notice; who having met, they, or any five of them, shall, and are hereby required, to nominate and appoint a proper person to be commissioner of such county for carrying the purposes of this Act into effect, and from time to time to fill up vacancies; the said commissioner, before entering on his duty, to give bond with security, in the sum of seven hundred thousand pounds, payable to the Governor or commander in chief for the time being, and his successors, with the following condition:

The condition of the above obligation is such, that whereas the above bounden ———— is appointed commissioner for the county of ———— now if the said ———— shall well and truly execute the office of a commissioner for receiving the specific provision tax for the year one thousand seven hundred and eighty one according to law, then the above obligation to be void, otherwise to remain in full force.

And the commissioner shall also take the following oath:

I, A. B. do swear, that as commissioner for the county of ———— I will well and truly execute the trust reposed in me to the best of my understanding, agreeable to law; that I will not, directly or indirectly, purchase or procure for my own use, or for the use of any other person (articles for my family use and consumption, and for the payment of taxes, only excepted) any of the before enumerated articles, during my continuance in the said office, otherwise than is in this Act directed. So help me God.

And the commissioner for each county respectively shall have power to rent, hire, or seize, for public use, stores, warehouses, and other inclosures, for keeping the before enumerated articles, and shall give receipts for all such provision supplies as may be received in taxes as aforesaid; and shall account for the same, and the monies he may receive by virtue of this Act, with the General Assembly, or such other authority as may be appointed by law.

X. And be it enacted, by the authority aforesaid, that in case any person shall be possessed of more of any of the before mentioned articles of provision than will be sufficient for his or her family use and consumption, and the discharge of the specific tax which may be due, and shall refuse to sell one half the residue to the commissioner of the county for public use, at the current price, the County Commissioners respectively are hereby required to call on some one or more justices of the peace, and two freeholders, who shall determine, and give from under their hands in writing, the quantity which they are of the opinion the person is possessed of more than is absolutely necessary for the purposes aforesaid; and the commissioner is hereby authorized and required to demand, and if necessary, to break open any house or other inclosure and seize, for the public use, the one half of the quantity so certified as aforesaid, giving the owner a certificate for the quantity so taken, and hire or impress carts, or other conveyances, for transporting to some of the public warehouses the articles so purchased or impressed; and the commissioners are hereby impowered to receive, purchase, and if absolutely necessary to impress, salt, barrels, and every other article necessary for curing and safe keeping the provisions he may receive in virtue of this Act, and for that purpose the treasurers of each district are hereby directed to advance the sum of ten thousand pounds to each County Commissioner in his district out of the public treasury, for which he shall be allowed in the settlement of his accounts; and each commissioner who may be appointed in consequence of this Act

shall have and receive five per cent. commissions on all provisions by him received, purchased or impressed, provided that no commissioner shall impress provisions under this Act until he be so ordered by the executive power of this State; And every person who acted as a County Commisioner for the last year, and who still resides in such county, on qualifying and giving bond agreeable to this Act to the chairman of the county court, shall be impowered, and are hereby respectively required, to hold and exercise the duty of commissioner in such county for the present year, in case a new commissioner should not be appointed under the directions of this Act on or before the first day of September next.

XI. And be it further enacted, by the authority aforesaid, that in case any justice of the peace, freeholder, or collector of the public tax, shall on application of the County Commissioner refuse or delay to do or perform any of the duties required of them by this Act, they shall severally forfeit and pay the sum of five thousand pounds for each neglect or refusal; to be recovered in the county court where the forfeiture shall happen, and be applied to the use of the poor in such county: And the County Commissioners of Halifax, Edenton, Newbern, and Wilmington Districts, are hereby impowered, at their discretion, to sell or barter for sale on account of this State, any provision which may be on hand collected in virtue of the specific tax law for the year one thousand seven hundred and eighty (the article of pork excepted) on the best terms they may, keeping a particular account of the quantities of salt so procured, and of the articles of provision so disposed of, all of which provision it shall be lawful to export, any law to the contrary notwithstanding; and the county courts are hereby impowered to settle with the County Commissioners, and the collectors of the public tax, and grant certificates for all such amounts of taxes as they deem insolvents, and could not collect, for which certificates the said commissioners and collectors shall be allowed in settling their public accounts.

CHAPTER IV.

An Act for the relief of such persons as have taken Paroles, and for other purposes.

I. Whereas many of the inhabitants of this State, who have voluntarily and inconsiderately taken paroles, or protection from the officers and others of the British army, who on reflection are becoming sensible of their misconduct, and willing to be subject to the laws of this State;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that every of the inhabitants aforesaid, who on or before the first day of October in the present year, shall voluntarily go before the chairman of the court, or the colonel of his county, take the oath of allegiance to this State, and deliver up, (if not already given up or actually destroyed) on oath, to such officer, all the original paroles and other papers which they may have received from any British officer, or any other person acting under the authority of the King of Great Britain, and shall also swear that they have not kept back any copy of such parole or other paper, all such persons so taking the oath, and delivering up such original paroles or other such papers, after securing a certificate thereof from the said chairman or colonel of his county, shall be liable to all duties, and intitled to all the privileges, which

the other good citizens of this State are liable and intitled to; and the said colonels and justices are respectively required to make return of all such paroles and other papers, together with the names and descriptions of the persons to whom they have granted certificates as aforesaid, to the county court which may first happen after the aforesaid first day of October next.

III. And be it further enacted, that all such persons who have voluntarily applied for, and taken paroles as aforesaid, who shall not on or before the said first day of October next renew their allegiance and surrender up all such original paroles and other papers as aforesaid, and procure a certificate thereof, shall thenceforward be deemed Continental soldiers, and shall be liable for such neglect to serve twelve months, by themselves or substitutes, in the Continental army, from the time they may be delivered into the hands of any Continental officer, intitled nevertheless to the same pay and allowance in every respect as other Continental soldiers are intitled to; and every subject of this State who shall after the said first day of October aforesaid take up and deliver any such delinquent parole man to any Continental officer, such person shall, on producing the officer's receipt, be freed and exempted from one tour of militia duty. Provided, that nothing in the foregoing Act shall in any wise be construed so as to exempt or excuse any person who hath voluntarily supplied the enemy with provisions, or hath taken arms against the State, from the pains and penalties inflicted on persons guilty of treason or misprision of treason, agreeable to law.

IV. And be it further enacted, that all persons who shall hereafter voluntarily go over to, or throw themselves in the way of the enemy, and take paroles or protection from them, shall be deemed guilty of misprision of treason, and be prosecuted accordingly. Provided nevertheless, that this Act shall not be construed so as to excuse any officer either civil or military, or other person holding any office of profit or trust in this State, who hath voluntarily gone over to, or fallen into the hands of the British, and hath taken paroles or protections.

V. And be it further enacted, that all such officers, both civil and military, who have taken protections or paroles from the enemy, be suspended from their respective offices until the end of the next General Assembly, and that the sheriffs or coroners of the respective counties cite such officers within their several counties to make their personal appearance before the next General Assembly, to shew cause, if any they can, why they shall not be dismissed from their several offices.

CHAPTER V.

An Act to compel the Counties which have not furnished their quota of Continental troops, as required by a late Act of the General Assembly of this State, to furnish the same.

I. Whereas many of the counties of this State have not furnished their quota of Continental troops, as ordered by an Act of the General Assembly of this State, intituled, An Act to reduce the six Continental Battalions belonging to this State to four, to complete the said four battalions, and for other purposes;' and whereas it is necessary that the said quota of Continental troops should be immediately raised, and employed in the defence of the State;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the colonel or commanding officer of every militia batallion in this State which hath not already been classed, or being classed, have not furnished their proportion of continental troops as aforesaid, shall within six weeks after passing this Act proceed to class, if not already classed, his battallion, and in either case to draft, if drafting should be necessary, from such classes their full quota of troops, in the manner directed by the aforesaid Act; and where any class of any batallion already made have not furnished a volunteer or draft as the said law directs, the colonel or commanding officer shall within the time aforesaid, if volunteers do not offer, make a draft from each of the said classes agreeable to the aforesaid Act; and that this Act shall not be construed so as to oblige any class that have drafted, or provided a volunteer agreeable to law, to furnish again.

III. And be it further enacted, that the officer who shall cause the said continental troops to be drafted as aforesaid, shall under the penalties of the before recited Act, cause the same to be marched as soon as may be to such place as is by the said appointed Act for the district rendezvous of the troops to be raised from his batallion, or to such other place as shall be appointed by the Brigadier General Sumner, or the commanding officer in the Southern army.

IV. And be it further enacted, that the men so drafted shall serve twelve months after their arrival at the place of rendezvous afore mentioned, and shall be subject to the same rules, regulations and penalties, and intitled to the same emoluments, as the continental troops already raised in virtue of the above recited Act. Provided nevertheless, that any county or counties who have furnished any number of men since the sitting of the last Assembly for the southern army, to serve ten months under the command of General Sumpter, shall be considered as having furnished one man in the Continental draft, for every three men in the said service from said county. Provided also, that this Act shall not be construed so as to excuse any county or batallion from furnishing their quota in any future draft, under similar circumstances.

CHAPTER VI.

An Act for the more speedy trial of all persons charged with treason or misprison of treason against this State, or the United States, and other purposes.

I. Whereas experience has shewn that the delay attending the trials of persons charged with either of the above recited crimes in the several superior courts of this State, is attended with very pernicious consequences to this State, whilst it is in a state of warfare: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that it shall and may be lawful for the governor for the time being, and he is hereby directed, to issue his commission of Oyer and Terminer and General Gaol delivery, directed to any three persons in each district in this State whom he shall deem as best qualified to act as judges, in any court to be held by virtue of this Act in such district, for the trial of persons accused of treason or misprison of treason against this State; and all such persons so appointed shall have full power and authority to hold courts as occasion may require

in any county in such districts, until the end of the next session of the General Assembly, and no longer, for the purposes aforesaid.

III. And be it further enacted, by the authority aforesaid, that when any person or persons owing allegiance to this State, or any of the United States, shall hereafter be committed or accused of bearing arms, or opposing this State or the United States, or of committing any other crime which by the laws of this State are deemed treason or misprison of treason, it shall be lawful for any one or more of the said judges to be appointed as aforesaid, to order and direct the sheriff or other proper person, to summon a grand and petit jury, being free-holders, to appear at such time and place in any county of the district as such judge or judges may appoint; and the said judge and judges shall and may, from time to time, appoint some proper person to act as clerk of the court, and shall cause to be preferred bills of indictment against all persons so accused as aforesaid, and shall hear, try, and finally determine on all such offenders as aforesaid, and shall pass sentence on, and if necessary order immediate execution of all such offenders who shall be convicted or stand mute; and in case of a default of jurors attending at any of the said courts, it shall be lawful for the court to direct the sheriff, or other officer of the county to summon of the bystanders or others, being freeholders, to compleat the said juries, or any of them; and that on trial by the petit jury not more than thirty-five challenges shall be allowed, unless for cause shewn and approved of by the court, any law or usage to the contrary notwithstanding.

IV. And be it further enacted, by the authority aforesaid, that the said judges, or any two of them, shall and may, from time to time, appoint some proper person to prosecute all offences against the State, which may be triable in any of the said district courts; and no prisoner shall arrest judgment for any defect or want of form in the indictment or other proceedings, so that there is sufficient substance to convict such prisoner. Provided always, that every prisoner shall be at liberty to make his own defence either by himself or council, and demand summonses to enforce the attendances of his witnesses, and if it can be done with safety, a reasonable time to prepare himself for trial; and the courts may be continued from day to day, until all the prisoners shall be tried, discharged, or recommitted, as the court shall direct. Provided always, that if the said court, or any of them, shall think proper to remit the trial of any offender or offenders, and send him or them to the superior court, such offender or offenders may be accordingly sent, under a sufficient guard, to be tried by the court of the district where he committed the offence, and all jurors to be summoned to any of the courts to be held in virtue of this Act, shall forfeit and pay the sum of three hundred specie to be recovered as fines on jurors for non-attendance at the superior courts, and every person so appointed, who shall refuse to attend and act as a judge, and hold any of the said courts, shall forfeit and pay the sum of five thousand pounds. Provided always, that if any such judge shall be an accuser of any person to be tried under this Act, such judge shall not sit on the trial of such accused persons, anything in any law to the contrary notwithstanding.

VI. And be it further enacted, by the authority aforesaid, that the person who may be appointed to prosecute in behalf of this State, or the clerk of such court, on any trial under this Act, shall draw up the charge or charges against the offender in a plain, distinct, and comprehensive manner, and also shall read and present the same to him, the said prosecutor in behalf of the State and clerk not being considered in any wise confined to the strict forms of bills of indictment in like cases in the superior courts; and

upon every conviction the court shall order the sheriff, or other proper person, to seize and take into his possession, and return to the General Assembly and State Auditors an inventory of all the goods, chattels, lands and tenements, of such convicted person. Provided always, that the court shall make such provision for maintainance of the wife and children, if any out of the estate of such person, as by the treason Act is directed.

VII. And be it further enacted, by the authority aforesaid, that the clerk of each district court which may be held under the direction of this Act, shall make a return of the proceedings of such court to the clerk of the superior court of the district.

VIII. And whereas there is no particular mode directed by law for inquiry of persons supposed to be within the meaning of the laws for confiscating property, whereby many innocent persons may be greatly injured: For remedy whereof, Be it enacted, by the authority aforesaid, that the county courts in this State respectively shall, and they are hereby impowered to make inquiry, and call before them for examination every person complained of, or supposed to be within the description and meaning of the aforesaid laws, and to enter on their minutes the names and description of every person in their county, who in the opinion of the court have forfeited his property to the State agreeable to law, and from time to time to furnish the commissioners of confiscated property, sheriff or coroner, with copies of such proceedings, that the property may be secured for public use, as the law directs; And the said courts are also impowered at any time to re-consider such determinations, and, if necessary, to order the property returned to the owners; and where any property hath already been seized by any such commissioner, sheriff or coroner, as confiscated, the respective courts may inquire, and in case any frauds have been committed, to order the property so wrongfully taken to be returned to the owner, and commit the offender to close gaol, in case he neglect or refuse to obey the order of the court, until he shall be willing to comply with such orders; and the person offending, or acting contrary to the true intent and meaning of this Act, shall be liable to the action of the party offended, and to the fines and forfeitures mentioned in an Act of the General Assembly of this State, intitled, "An Act for securing the quiet and inoffensive inhabitants of this State from being injured, for preventing such property as hath or may be confiscated from being wasted or destroyed, and for other purposes.

CHAPTER VII.

An Act to regulate and ascertain the several Officers' Fees therein mentioned.

I. Whereas it is necessary that clerks, sheriffs, and other officers, should receive for their services a more equal compensation than is by law heretofore allowed them;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and by the authority of the same, that for the future the several officers herein mentioned shall take and receive the following fees only, and no other or greater fees or charge whatever, that is to say, The clerks of the superior court, for every leading process returned to the first court, including all services, together with dismission of final judgment, where either happens, 10s. specie. For every presentment and indictment, 10s. For entering and filing every recognizance, 2s. For every continuance or reference of any cause after the second court, including all fees for every service necessary thereon, 3s. For the court at which the cause is determined, including all services, 7s. 0d. For every subpoena, provided the party insert

no more than four witnesses in the same, 1s. 6d. For every execution or order of sale when necessary issued, including all services thereon, with taxing costs and copy, and entering satisfaction, 3s. 9d. For every scire facias against bail, with making up an issue thereon, or entering judgment without plea, including all fees for every necessary service thereon (provided that the party paying costs shall not be subject to this unless the scire facias is necessary, and required by the plaintiff), 6s. For giving a copy of the record of any cause when demanded by either of the parties, 4s. 6d. For every order of rule of court, made on matters foreign to the suit pending in court, and copy whereof when demanded, 2s. For entering on the minutes the probate of a will, qualifying executors, making certificates, recording the will, and giving copy thereof, 8s. For granting administration, taking bond, and all other services thereon, 8s. For proving, recording and filing an inventory, account of sales or account current, exhibited by an executor, administrator or guardian or for search copy and certificate of the same, if the estate be under one hundred pounds specie, if above, 3s. For every marriage licence or bond, 8s. For ordinary licence and bond, and all the services necessary to be done thereon. For tavern rates, 2s. For searching a record out of court, 6s. For every copy of such record, for proving or entering acknowledgements of a conveyance of land or other estate, and certifying the same, with order of registration and an examinatioin of a feme covert without commission, 2s. For a commission to take the examination of a feme covert or witnesses in a cause depending in the superior court, entering the return thereon, and other necessary services, 2s. 4d. For guardian and other bonds taken in court, including all services, 6s. For indentures for binding out apprentices, including all fees for every service necessary thereon, 4s. For a special venire facias in an action of ejectment, or where the bounds of lands shall come in question, when the said writ shall be issued, 6s. For a special verdict or demurrer or motion in arrest of judgment, 3s. For a writ of error, appeal, or certiorari, with a transcript of the record, and all services thereon, 8s. For making out certificates of witnesses attendance, for recording a mark or brand, and granting certificates thereof if required, 1s. And all other services done by clerks of courts are hereby deemed as ex officio, and the respective courts shall and may allow reasonable satisfaction for the same annually out of the county tax.

III. And be it further enacted, by the authority aforesaid, that after the passing of this act the sheriffs in their respective counties in this State shall and may receive for their services the following and no other or larger fees: For every arrest, 8s. For taking bail bond, 2s. For serving a copy of declaration, 2s. For serving a subpoena, for each person named in the same, 2s. 8d. For pilloring a person, 5s. An attachment the same as for an arrest, and if further trouble by moving of goods, to be taxed by the court. Executing a warrant of distress, or an execution against a body or goods, two and an half per cent. on the specie value. For summoning, impannelling, and attending on every jury, on every cause in court, 5s. When a special venire shall issue by order of court, for summoning each juror, and attending the same, 2s. Putting a person in the stocks and releasing, 5s. 4d. For every commitment, 2s. 8d. A releasment, 2s. 8d. Serving a writ of possession of land, 8s. Serving and attending on any person on a habeas corpus per day, 10s. Calling every action in court, 4d. For imprisonment of felons or debtors, or any other person, for each prisoner per day, for finding one pound of wholesome bread, one of good roasted or boiled flesh, and a sufficient quantity of fresh water, and every other necessary attendance, and keeping the prison clean, 2s.

IV. And be it further enacted, that the registers in each county in this State shall and may take and receive, for registering each deed or grant, including certificate thereof, 4s. For every search, 8d. For a copy of a grant or deed, 4s. And for registering every other instrument of writing, 4s.

V. And be it also enacted, that from and after the passing of this act the sheriff, constable, or other officer, may take and receive the following fees: For serving every warrant, 2s. 8d. For every attachment, 2s. 8d. For every execution, 2s. 8d. For every witness actually summoned, 1s. 4d. For attending every court, when summoned by the sheriff, 5s. per day.

VI. Be it further enacted, by the authority aforesaid, that the surveyor in each county in this State shall be allowed for each survey that may hereafter make the sum of 16s. specie, in case the survey does not include more than three hundred acres, and the sum of 2s. specie for each hundred acres more than three hundred as aforesaid, unless in cases where the surveyor hath already received his fee for such survey agreeable to any former law, on all which surveys the surveyor shall not be intitled to any greater fees than hath been heretofore allowed by law. And that every entry taker shall be intitled to take and receive for each entry, and for other duties incident to his office, the sum of 8s.

VII. And be it enacted, by the authority aforesaid, that from and after passing this act, it shall not be lawful to enter any lands with any entry taker in this State; and in case any quantity of lands shall be entered with any of the entry takers in this State after the passing hereof, all such entries made shall, and the same are hereby declared null and void; And so much of an act of the General Assembly, intitled, "An Act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes therein mentioned," as comes within the purview and meaning of this act, is hereby declared void; and every entry taker in this State is hereby strictly required to forbear making any further entries, on any pretence whatsoever.

VIII. And be it further enacted, by the authority aforesaid, that the rangers in each and every county in this State shall have and receive, the following fees in specie from the person taking up stray or strays, viz.: For every entry by him to be made, the sum of 5s. and the person taking up stray or strays, for his trouble and expence in taking up the same, and paying as aforesaid, may demand and receive from the person or persons claiming the said stray or strays the sum of 10s. for each horse, 2s. 6d. for each head of cattle, 1s. per head for every hog or sheep.

IX. And be it further enacted, by the authority aforesaid, that all horses, hogs, cattle and sheep, shall be in future valued in specie; and that so much of an act of Assembly, passed at Newbern in the year one thousand seven hundred and seventy seven, intitled, "An Act to prevent abuses in taking up stray horses, cattle, hogs and sheep, and other things therein mentioned," that comes within the purview of this act, is hereby repealed.

X. And be it further enacted, by the authority aforesaid, that the fees hereinbefore enumerated are hereby declared to be rated and settled in specie, which said fees shall be payable in specie, or in currency of this State, at the proportion of two hundred State currency for one in specie, until otherwise ordered by the General Assembly, and every of the respective officers hereinbefore mentioned demanding and receiving any greater fees than what is hereinbefore enumerated, shall for every offence forfeit and pay the sum of five pounds specie, to be recovered and applied to the party grieved, in any court of record in this State.

XI. And be it further enacted, that the coroner shall take and receive for his services the following fees:

For attending upon every inquest, 1l. 4s. And the same fees for discharging the duties of the sheriff, where their duties shall devolve to him by the death or absence of the sheriff of his county, as such sheriff himself would be intitled to by this Act for performing the same service.

XII. And be it further enacted, that so much of an Act of the General Assembly, passed at Newbern the tenth day of May, one thousand seven hundred and eighty, intitled, "An Act to regulate and ascertain the officers' fees therein mentioned," and all other Acts that come within the purview and meaning of this Act, are hereby repealed and made void.

CHAPTER VIII.

An Act directing the duty of the Naval Officers, and for prohibiting the Exportation of Provisions for a limited time, and for other purposes.

I. Whereas the honourable the continental Congress hath recommended that the said United States make laws for the more effectually presenting the abuses and deceitful practices of the British, in making use of papers which they take in American vessels, and for preventing the exportation of provisions;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the naval officers in the different ports of this State respectively shall, and they are hereby required, to cause the master and chief mate of every armed or unarmed vessel going from any of the ports in this State, to undersign the clearance or other papers of the said vessel, and to indorse under his the said naval officer's hand and seal on such clearance or other papers, a minute description of the age, stature and complexion, of the said master and mate; and the naval officer shall and may refuse to grant clearances and other papers to all such vessels, in case the master or mate shall refuse to sign such clearance or other papers, and give such descriptions as are in this Act required: And the master and owner of every vessel coming into any of the ports in this State, shall forfeit and pay the sum of fifty thousand pounds currency, to be recovered in any court of record of this State by the naval officer, who is hereby required to sue for the same (and the forfeiture so recovered by order of the court be applied one fourth part to the use of said naval officer, and the other three fourths to the public treasury of this State) for every refusal or neglect to enter his vessel with the naval officer in due time, agreeable to the directions of an Act of the General Assembly, intitled, "An Act for appointing naval officers at the different ports in this State, and directing their duty in office, and for other purposes.

III. And be it enacted, by the authority aforesaid, that the naval officers of the ports of Roanoke, Bath, Currituck and Beaufort, take and receive from every vessel coming in over Occacock bar between twenty and fifty tons burthen and upwards the sum of ten shillings in specie, and from every vessel of fifty tons and upward the sum of sixteen shillings specie, or the value in the currency of this State, for the use of the pilots, to enable them to keep up stakes and marks in the swash and channels leading from Occacock bar to Newbern, Bath and Edenton; for which sums the naval officers shall be accountable to the commissioners of investigation in their respective ports, agreeable to law, for the purposes aforesaid.

IV. And be it enacted, by the authority aforesaid, that from and after passing this Act, the naval officers in the respective ports in this State shall and may, in lieu of all the allowances heretofore made by law, take and receive the following fees: For entering and clearing each vessel of twenty tons burthen and upwards, for taking bonds and descriptions as by this Act directed, and for all other necessary services included, the sum of ten shillings specie, for each permit, five shillings, and for each register, ten shillings; all of which sums shall be paid in specie, or the true value of such specie in the currency of the State, at the time such fees shall become due.

V. And be it further enacted, by the authority aforesaid, that it shall not be lawful to export, or in anywise remove out of this State, by land or water, any kind of provisions, until the end of the next session of the General Assembly, excepting only such quantities as shall be necessary for victualling the crew of any vessel going on a voyage or cruize, unless permitted by his excellency the Governor, by and with the advice of the council of the State; and in case any person shall remove or attempt to remove out of the State, any corn, wheat, flour, pork, beef, or bacon, other than is hereby allowed and admitted, it shall be lawful for the naval officer, or the sheriff of any county, to seize all such provisions, together with the vessel and other conveyance in which such provisions, are exported, or attempted to be exported; all of which provisions, vessels and other conveyances are hereby declared absolutely foreifted to this State; and the owner of such vessel or provisions shall accordingly forfeit the same, or the value thereof, as the court may decree; to be tried, condemned and recovered, in any court of admiralty of this State, and applied one fourth part to the seizing officer, and the other three fourths to the public treasury of the State.

VI. And be it further enacted, by the authority aforesaid, that the one half of all salt imported into this State from and after passing this Act shall be secured to the importer, and shall be free and exempt from all manner of impressment on account of the public; and in case any salt shall be hereafter impressed for the use of this State, it shall be lawful for the naval officer of the port where such impressment is made to suffer and permit the importer of such salt to ship and export so much provisions of any kind as such naval officer shall deem equal in value to the amount of the salt so impressed as aforesaid, anything in any law to the contrary notwithstanding.

CHAPTER IX.

An Act for protecting and securing the navigation of Ocacock Bar; and the Sounds and Rivers communicating therewith, and other purposes.

I. Whereas the trade of this State has of late been much interrupted and injured, and the merchants and others have suffered very great losses by the capture of their vessels in the sounds and rivers, communicating with Occacock bar; and the inhabitants living near those sounds and rivers, have been, and still are exposed and liable to be plundered by the enemies vessels, to the ruin of individuals, and the great injury of the State in general: For remedy whereof,

II. Be it enacted by the General Assembly of North Carolina, and it is hereby enacted, by the authority of the same, that two armed vessels of ten or twelve guns, and seventy-five men each, officers inclusive and two armed row gallies of forty men each, officers inclusive and such artillery as they may be able to carry, be immediately fitted out, for the purpose of protecting the navigation of Occacock bar and the sounds and rivers

which have communication with it; one of the armed vessels and one of the armed gallies as aforesaid, to be fitted out from each of the districts of Edenton and Newbern.

III. And be it enacted, by the authority aforesaid, that Robert Smith, Josiah Collins, Alexander Black, William Bennett, and Joseph Smith, shall be commissioners for the district of Edenton, and James Green, Enoch Ward, Henry Vipon, John Tilman and Richard Blackledge, commissioners for the district of Newbern, for the purpose of procuring, equipping and fitting out all the vessels and gallies aforesaid; which commissioners aforesaid are hereby impowered and authorized, for and in behalf of the State, to buy, hire, or otherwise procure, vessels and gallies suitable for the purpose and also guns, ammunition, sails, rigging, tackle, and all other materials or things that may be wanted to compleat the vessels and gallies aforesaid; but if the commissioners aforesaid shall not be able to buy, hire, or procure, vessels suitable to the purpose aforesaid, they, or any three of them, are hereby impowered to impress, for the use of the State, such vessels belonging to the inhabitants thereof as they may think fitting for the service, and all the guns, ammunition, sails, rigging, tackle and other materials, that may be wanted for them; and if the commissioners aforesaid be reduced to the necessity of impressing vessels or other articles for the purposes aforesaid, they are to have the vessels or other articles they may impress or hire valued by three freeholders upon oath; and the said commissioners, or any three of them, are hereby impowered to grant certificates for all such vessels or materials as they may either buy or impress, specifying the value to be paid in specie, or the currency of this State at the exchange at the time of payment, which certificate shall be clear of taxation until paid, and shall be redeemed or paid off by the treasurer on or before the first day of January, one thousand seven hundred and eighty-two; and it shall be lawful for the said commissioners to insure, on account of this State, all such vessels as they may hire or impress, so that, in case of loss, the owners of such hired or impressed vessels may be paid for the same out of the public treasury of this State.

IV. And be it enacted, by the authority of aforesaid, that should the commissioners aforesaid meet with resistance in the execution of their office, they are hereby impowered to call upon the commanding officer of the county where such resistance is made for such assistance as may be necessary, which commanding officer is hereby ordered and required to grant them the assistance required.

V. And be it enacted, by the authority aforesaid, that the commissioners aforesaid shall be, and they are hereby impowered to appoint one captain, two lieutenants (to whom his excellency the Governor will grant commissions) and the master, who is to act as pilot, one gunner, one boatswain, and ten seamen, to each of the armed vessels, who are to be shipped for any term of time not exceeding six months, and shall receive the following pay: Each captain per month twelve pounds specie, or its value in currency, each lieutenant eight pounds, each master eight pounds, each gunner four pounds, each carpenter six pounds, each boatswain four pounds, and each seaman three pounds; and to each of the gallies the said commissioners shall appoint one captain, one lieutenant, one gunner, one boatswain, and three seamen, who shall be entitled to the same pay as the officers of equal rank and the seamen of the armed vessels are allowed.

VI. And be it enacted, by the authority aforesaid, that the commissioners aforesaid, shall endeavour, by voluntary inlistment, to raise for each of the armed vessels fifty-nine men to compleat the complement of their crew: And

the commissioners aforesaid, or any three of them, shall appoint such officers of marines as may be necessary for each vessel and galley; but if the commissioners shall not be able to inlist a sufficient number of volunteers, they are to apply to the brigadier general of the district, who is hereby required to furnish out of the district drafts as many men as me be demanded by the said commissioners for compleating the crews of the said vessels and gallies; and those who faithfully serve on board the said vessels or gallies, whether volunteers or drafted men, for the term of three months, shall be considered as having performed a tour of duty in the militia service, and be intitled to receive the same pay as the militia in actual service.

VII. And be it enacted, by the authority aforesaid, that the commissioners aforesaid, or any three of them, are hereby empowered to apply to his excellency, the Governor, who is hereby impowered to grant them warrants upon the treasurers for such sums as shall be necessary for the payment of the officers and seamen belonging to the said vessels and gallies, and other necessary expenditures, for which they are to account.

VIII. And be it further enacted, by the authority aforesaid, that the said commissioners, or any three of them, are impowered to apply to the county commissioners for such provisions as may be wanted for victualling said vessels and gallies; which provisions the county commissioners are hereby required to supply; but if a sufficiency of provisions cannot be procured by them from the county commissioners, the commissioners aforesaid, or any three of them, are hereby impowered to buy or impress the provisions required.

IX. And be it enacted, by the authority aforesaid, that the commissioners aforesaid, or any three of them, are hereby impowered to order the said vessels and gallies to cruise either in concert or separately, at such places within Occacock bar, as to them shall seem most expedient and necessary for the public benefit; and the commissioners of both districts shall correspond and inform each other whenever the enemy may appear, that the whole force if necessary may be collected to oppose them; and whenever it may be necessary, the said commissioners are to appoint one of the captains to act as commodore, when the rest must obey during his appointment. Provided, nevertheless, that the whole of this armament be, and it is hereby made subject to the orders and commands of the supreme executive powers and to the orders, commands, and controul, of the General Assembly of this State.

X. And be it enacted, by the authority aforesaid, that the said commissioners shall keep just and clear accounts of all sums of money which they receive, of their expences and expenditures, of all articles bought or impressed by them, and of all certificates granted by them and they shall be allowed, upon the adjustment and settlement of their accounts, a reasonable compensation by the General Assembly, for their trouble in performing the services hereinbefore directed.

CHAPTER X.

An Act for drafting the Militia to reinforce the Southern Army.

I. Whereas it is necessary for the support of this and the neighboring States, that a force be immediately embodied and marched to the seasonable relief of the Southern army under the command of the honourable Major General Greene;

II. Be it therefore enacted, by the General Assembly of the State of

North Carolina, and it is hereby enacted by the authority of the same, that the Governor do immediately issue orders to the commanding officer of the district of Salisbury to forward on, without loss of time, the militia ready drafted to the assistance of General Greene, and also to make a further draft, so as to compleat the number from that district to one thousand men, including those already drafted, to be drawn from each county in proportion to the number it contains, including those already drafted from each county respectively.

III. And be it further enacted, by the authority aforesaid, that the Governor immediately issue orders to the brigadier general for the district of Hillsborough to draft five hundred men, to be forwarded on to re-inforce the Southern army, to be armed and equipped in the best manner from their respective counties.

IV. And be it further enacted, that the said reinforcement shall march to such parts or places in this State, and in the State of South Carolina, or Virginia, as the commander in chief of the Southern army shall direct, and such reinforcement shall be under the same rules and discipline as the continental troops after they shall have joined the army which they may be ordered to reinforce, and shall receive the same pay allowed to the militia of this State in actual service. Provided always, that for any offence, every officer and soldier of the said reinforcement shall be tried by a court martial composed of their own officers, and no other.

V. And be it further enacted, that the said reinforcement shall not be compelled to serve more than three months from the time of their arrival at headquarters, or joining any division or post by order of the commander in chief of the Southern army, or crossing the limits of this State, whichever may first happen.

VI. And be it further enacted, that the Governor, by and with the advice of the council of State, is hereby impowered to order out any number of militia that he may think proper and necessary, not exceeding four thousand for the use of the Southern department; and further, that he be impowered, with the advice of the council, to dispose of the troops already raised, or ordered to be raised in the districts of Halifax, Edenton, Newbern, and Wilmington, in such manner as he may think proper for the defence of this State, or the Southern department; provided such troops shall not be compelled to serve a longer time than three months, agreeable to the militia law.

CHAPTER XI.

An Act for vesting a power in the honourable the Continental Congress to Levy a Duty of five per cent. upon all Foreign Merchandize, except such articles as are therein excepted, and for other purposes.

I. Whereas by a resolve the honourable the continental Congress bearing date the third of February, one thousand seven hundred and eighty-one, and by sundry other resolves, it is recommended to the several States to vest a power in Congress of raising a revenue for the purpose of discharging the principal and interest of the debts already contracted, or which may be contracted during the war on the faith of the United States, and the necessity of complying with this recommendation being evident:

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the honourable the continental Congress be, and are hereby fully impowered to levy,

for the use of the United States, a duty of five per centum, ad valorem, at the time and place of importation, upon all goods, wares and merchandize of foreign growth or manufacture, which may be imported in this State from any foreign port, island or plantation after the first day of August, one thousand seven hundred and eighty-one. Provided, nevertheless, that arms, ammunition, clothing, and other articles imported on account of the United States, or any of them; wool cards, cotton cards, and wire for making them, and salt, during the war, be, and they are hereby exempted from the duty of five per centum aforesaid.

III. Be it enacted by the authority aforesaid, that the honourable the continental Congress be, and they are hereby impowered to levy a like duty of five per centum upon all prizes and prize goods that may be condemned in the courts of admiralty of this State.

IV. Be it enacted, by the authority aforesaid, that the honourable, the continental Congress be, and they are hereby impowered to nominate and appoint, at such places in this State as may be most convenient, such persons as they may think proper to collect the duty aforesaid, and to lay such penalties on persons refusing or neglecting to pay said duty, to take such measures for the recovery thereof, and to make all such arrangements as to them may seem necessary and expedient; provided such penalties, mode of recovery, and arrangements, be general and uniform through the several States.

V. Be it further enacted, by the authority aforesaid, that this Act shall be, continue and remain in force, until the principal and interest of the debts already contracted, or which may be contracted on the faith of the United States, for supporting the present war, be fully and finally discharged, and no longer. Provided nevertheless, that this Act shall not be in force, nor have effect, until all the United States from New Hampshire to North Carolina, both inclusive, shall have invested Congress with the same powers and authorities as are mentioned in this Act.

CHAPTER XII.

An Act allowing salaries to the Governor, Delegates Judges of the Superior Courts, Attorney General, Public Secretary, Treasurers, Members of the Council of the State, and Public Printer.

I. Whereas, it is necessary that the principal officers of this State should be allowed salaries suitable and adequate to the dignity of their respective offices;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that his excellency, the Governor, be allowed annually seven hundred and fifty pounds specie, in full for his services as Governor, that each of the delegates of this State be allowed seventy-five pounds specie per month, during the time of their travelling to and from, and attendance at Congress; that each of the judges be allowed forty pounds specie for each and every court he shall attend, to be paid by either of the public treasurers at quarterly payments; that the attorney general be allowed for each court he shall attend twenty pounds specie, together with all the fees by law established; that each of the public treasurers be allowed annually sixty pounds specie for their services, and in lieu of all commissions incident to their appointments; that the Secretary of State be allowed two hundred pounds specie annually, exclusive of such

fees as are allowed him by an act for establishing offices for receiving entries of claims of lands in the several counties of this State, &c., that each of the members of the council of State be allowed one pound specie for each and every day they shall attend at the council board; that the public printer of the State be allowed the sum of two hundred and fifty pounds specie per annum for his public services, exclusive of the prime cost of the paper he may expend in printing the journal of the General Assembly and the laws of this State, for which paper he shall be allowed by the State auditors or the General Assembly.

CHAPTER XIII.

An Act to enable the Governor, with the advice of the Council of the State, to procure Tobacco for the purpose of obtaining Arms and for other purposes.

I. Whereas an immediate supply of arms, and military stores are essentially necessary for the preservation of this State, and as they can only be procured with tobacco, or other exportable articles.

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that his excellency the Governor with the advice of the council, is hereby impowered to purchase or to cause to be purchased, for the use of this State, if possible, two thousand stand of arms, five thousand pounds of powder, seven and a half tons of lead, three thousand blankets, on the best terms they can be procured, and to have the two thousand stand of arms procured at Philadelphia repaired, and brought into this State as soon as possible; for which purpose it shall be lawful for his excellency, the Governor, by and with the advice of the council of State, to purchase, borrow, or if absolutely necessary, to impress so much tobacco, or other exportable produce, as will anwser and be sufficient to defray the expence of repairing and bringing into this State the said two thousand stand of arms, and for the payment of all such other arms, ammunition and blankets, as aforesaid, which may be so purchased, and actually delivered in this State on or before the second day of April next.

III. And be it enacted, by the authority aforesaid, that his excellency the Governor, or the person who may be by him appointed for the purpose aforesaid, shall grant certificates for all such quantities of tobacco, or other exportable articles aforesaid, as may be so purchased, borrowed or impressed, such articles being first valued in specie, agreeable to law; all which certificates which shall bear an interest of six per cent. and be free from taxation, and shall be redeemed on or before the first day of December, one thousand seven hundred and eighty-three, in specie, or the value thereof in the currency of this State. Provided, that should it be more agreeable to the owner to lend the tobacco, the Governor with the advice of the council, or any person appointed by him, is hereby impowered to borrow the same, and pledge the faith of this State, for its being faithfully repaid at a future day.

IV. And be it further enacted, by the authority aforesaid, that where any uninspected tobacco, or other exportable article, shall be either bought, borrowed or impressed, it shall be lawful for the persons buying, borrowing or impressing the same, to hire or impress horses, carriages and teams, or boats or vessels, to convey such tobacco to a convenient warehouse or place of exportation within this State, and have the same inspected; to grant certificates in the same manner, as is before directed, and also to grant certificates

for the hire of horses, or carriages and teams, or boats and vessels, employed in transporting the tobacco aforesaid, and to the inspectors for their inspection fees.

V. And be it further enacted, that the appointments, powers and authorities, of the commercial agent, and of the commissioners of trade, heretofore appointed for the State, be, and they are hereby suspended, until the next session of the General Assembly; and the said commercial agent and commissioners of trade shall settle with the State auditors, or the General Assembly, or commissioners for that purpose appointed by the General Assembly, for all their commercial transactions in behalf and on account of the State.

CHAPTER XIV.

An Act to compel all such Parties who have received, or have been intrusted with Public Monies, to account for the same, and for other purposes.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that all commissaries, quarter masters and pay masters, the commercial agent, commissioner of trade, commissioners of confiscated property, officers who have received money for the purpose of recruiting or paying soldiers, all treasurers, sheriffs and collectors, and persons who have received or been intrusted with public monies not yet accounted for, in this State, shall, and they are hereby severally required to settle their respective accounts with the General Assembly; or State auditors on or before the first day of October next; and the State auditors are hereby respectively required on all such settlements, to add the interest and depreciation of the money on all balance due the public at the rate of two hundred for one; first reducing the said balances at the time they become due or payable to the public in specie; and in case any person so settling shall refuse or delay to pay such balances, depreciation and interest, the auditors shall bring suits for the same as this Act directs.

II. And be it further enacted, that if any of the above described or particularized persons shall fail to settle their public accounts with the General Assembly or the State auditors, at the times before prescribed and limited, the penalty of the bond of such person, together with the depreciation thereupon from the day of the date thereof, given for the faithful application of money received by him, or the faithful discharge of his duty or office, shall within forty days after such failure be sued for by the said board of auditors in some one of the said county courts within this State; by which county court, if it shall appear to them that the said failure shall have really happenned, an execution shall be awarded against the goods and chattels, lands and tenements, of the defendant, directed to the sheriff of the county where the defendant resides, or wherein the effects of the defendant may be.

III. And be it further enacted, by the authority aforesaid, that the sheriff to whom such execution shall be directed shall levy the same as may be therein directed, and as is directed by law in like cases, and shall pay the sums levied in consequence thereof into the hands of the public treasurer of the district wherein he resides, taking a receipt for the same; which he, the said sheriff, shall deliver within ninety days afterwards to the State board of auditors, under the penalty of ten thousand pounds, to be recovered by the said board, and applied to the public uses.

IV. And be it further enacted, by the authority aforesaid, that the said

board shall cause all such receipts to be recorded, in order that they may have it in their power hereafter to oblige the treasurers to account for the sums therein acknowledged to have been received.

V. And be it further enacted, by the authority aforesaid, that where any of the above mentioned or described persons shall settle their accounts with the public as is herein before required with the board of auditors, and it shall appear upon the settlement that any balances are due the public which ought to be paid, or which are necessary to be retained for public purposes in the hands of the persons from whom they may be due, and the person or persons from whom such balances may be due shall not pay up the same at the time of settlement, with the depreciation and interest thereupon, the said board of auditors shall within ten days thereafter commence and prosecute an action or actions (as is herein before directed in cases where the afore described persons shall fail to account) against the person or persons so failing to pay up the balances aforesaid, not only for the balance due, but also for such depreciation in damages thereupon, from the day that the said balances first became due, as the jury shall think just, and shall ascertain.

VI. And be it further enacted, by the authority aforesaid, that the said boards of auditors shall cause all the settlements made with them in consequence of this Act, to be entered in well bound books kept for that particular purpose, which shall be laid before the General Assembly at the next session after the said settlements shall be made and at all times after when called for.

CHAPTER XV.

An Act to relieve all such persons as are rendered incapable of Procuring themselves and families subsistence, by reason of wounds received in defence of their Country, and for other purposes.

I. Whereas many of the good people of this State, while in defence of their country have been wounded, and thereby rendered unable to procure a comfortable subsistence;

II. Be it therefore enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the respective county courts, on application of such wounded or disabled persons, in their counties, setting forth what sum shall be necessary for their support and maintainance, as the nature of the case may require.

III. And whereas many persons have died, and others may die, from wounds received in defence of their country, and the widows and orphans of such may be reduced to want thereby; Be it therefore enacted that the same may be under consideration of the county courts as for wounded men, and provided for accordingly.

IV. And whereas by the invasion of this State, the overseers of the poor in many counties have neglected to qualify according to law; be it therefore enacted, that the sheriffs of such counties summons their overseers to meet at their respective court houses on some certain day as soon as may be possible to qualify, that provision may be made for the poor.

V. And whereas many overseers of the poor in different counties in this State refuse or neglect to qualify and act when chosen, by which means the poor are often reduced to great distress, to the scandal and disgrace of society; Be it therefore enacted by the General Assembly that when any person shall hereafter be chosen an overseer of the poor in the county, and when summoned by the sheriff shall neglect or refuse to qualify, such person

so refusing or neglecting shall forfeit the sum of ten pounds specie, or the value in currency, to be ascertained by the court; to be recovered in any court of record; and applied to the use of the poor of the county in which he resides, any law to the contrary notwithstanding.

VI. And be it further enacted, by the authority aforesaid, that the justices of the county court of Gates be, and are hereby authorized and impowered, to make any further allowance they may judge just and reasonable to the undertakers of the public buildings, to enable them to perform the same.

VII. And be it further enacted, by the authority aforesaid, that the justices of Gates county aforesaid are hereby authorized and impowered to lay a further tax on the inhabitants of the said county, to defray the expence of finishing the public buildings of said county, to be collected and accounted for by the sheriff, under the same rules and regulations as for other taxes laid by the court aforesaid.

VIII. And be it further enacted, that it shall and may be lawful for the overseers in the respective counties in this State to levy a tax not exceeding ten shillings upon every hundred pounds taxable property, for the support of the poor.

IX. And be it further enacted, that the sheriffs of the several counties in this State which have not held elections for the choice of the overseers of the poor at the times by law appointed, shall as soon as may be, after the passing of this Act cause elections to be held in their respective counties for the purpose of electing overseers of the poor, first giving such notice as this law requires; which overseers when elected shall be invested with the same powers as if they had been elected as the law before directs.

X. Whereas, by occasion of the movements of the enemy through this State, the freeholders of the counties of Orange and Caswell neglected to elect overseers of the poor on the day by law appointed for that purpose, but have since, after being thereto requested by the sheriff of said counties, chosen proper persons to serve as overseers aforesaid; Be it further enacted by the authority aforesaid, that the proceedings of the said overseers, consistent with the power allowed overseers by law heretofore, for the future, until the day in course for a new election, be, and are hereby declared lawful, and as full and ample manner as if the said overseers had been elected agreeable to law.

CHAPTER XVI.

An Act for securing all articles left by the British troops in this State, taken from the citizens as well as others, and for other purposes.

I. Whereas the British troops in marching through this State have left a number of horses, waggons, negroes and other articles, which have been chiefly taken from the citizens thereof; In order that the same may be secured, so that the proper owners secure them again.

II. Be it enacted, by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that the sheriff of each respective county is hereby strictly required and impowered to take into his care all such waggons, horses, negroes and arms so left, he first entering all such horses on the stray book in the county where he resides; which horses when entered and appraised, and the waggons and arms, shall be delivered to the most convenient quartermaster, who is hereby required to give a receipt for the same, which receipt the sheriff shall keep in his hands until called for; And all negroes and other articles which he

may find in his county as before described, the negroes he is hereby iimpowered to hire out for any term not exceeding twelve months (to be delivered however to the owner at any time before the expiration of the said term, in which case the hire shall be proportionately discounted) and shall make return of the waggons, horses and arms to the next General Assembly, and also make return of the sum arising from the hire of such negroes, and the sale of the horses.

III. Be it further enacted, by the authority aforesaid, that where any person or persons shall make it appear to the satisfaction of the sheriff of his county that the British troops or their abettors took from him or them any of their horses without making adequate satisfaction, except that of leaving other horses on the plantation, the sheriff shall not take from such person such horses so left, unless the number left exceeds the number taken away; and where cases of this kind should happen, the persons who have said horses are hereby strictly required, under the penalty of twenty thousand pounds for each horse, to enter them on the stray book of his said county, so that the owner by applying may get the same; all sheriffs and others who have, or may have any such property in their hands, are required to deliver it to the owners thereof, due proof first being made by the claimant.

CHAPTER XVII.

An Act to enable the Justices of New Hanover County to hold a Court in any part of said County, and for other purposes.

I. Whereas the town of Wilmington is now in the hands of the enemy, by which means no legal court can be held in the county of New Hanover: For remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, that while the enemy continue to keep possession of the town of Wilmington, It shall and may be lawful for the justices of New Hanover county to hold court or courts in any part of the said county, and their proceedings shall be deemed as lawful, to all intents and purposes, as if the said court or courts had been held in the court house of said county, first giving timely notice thereof; any law, usage or custom, to the contrary notwithstanding.

III. And whereas, the clerk of the said county court is now in the hands of the enemy, Be it enacted, that the said court is hereby impowered to elect a clerk pro tempore to transact the business until the said clerk shall be restored to office, or during good behaviour, who shall be intitled to the same perquisites, and subject to the same fines and penalties, as any other clerk of the county courts, while he continues in that office.

IV. And whereas the commissioners appointed by an Act of the General Assembly, passed at Halifax in one thousand seven hundred and seventy-eight, intitled, "An Act for dividing the county of Tryon, to lay out and settle the place where to erect the court house, prison and stocks, for the county of Rutherford, and to erect the same," have not complied with the said Act: For remedy whereof, Be it further enacted, by the authority aforesaid, that John Earle, Robert Porter, William Whiteside, James Miller, of the county of Rutherford, and William Morrison, esquires, of Burke county, or a majority, be, and they are hereby appointed commissioners, to lay out and settle the place where to set the court house, prison and stocks, for the county of

Rutherford; they, or a majority of them, to have all the powers and authorities that the commissioners were invested with by the former Act.

V. Be it further enacted, that after the passing of this Act, the times of holding the inferior courts of pleas and quarter sessions for the county of Caswell be the first Monday in March, June, September and December, and all continuances, recognizances, writs, and other process, be made and returned to the said days.

CHAPTER XVIII.

An Act to amend an Act passed at Newbern in May, one thousand seven hundred and eighty, intitled, "An Act to inlarge the jurisdiction of Justices of the Peace, and for other purposes.

I. Whereas the rapid depreciation of the circulating currency of this State has rendered it difficult and troublesome to many of the good people thereof to collect the debts of a small value: For remedy whereof,

II. Be it enacted by the General Assembly, that all debts and demands of two thousand pounds and under, where the balance due on any specialty, contract, note or agreement, or goods, wares and merchandize, or for anything else, are hereby declared to be cognizable and determinable by any one justice of peace by warrant, first being returned in the usual mode heretofore prescribed by law.

III. And be it further enacted, that so much of the before recited Act, as comes within the purview and meaning of this Act, is hereby declared to be repealed and made void.

Read three times, and ratified in General Assembly, the 14th day of July, 1781.

ALEX. MARTIN, S. S.
THOMAS BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1782.

At a General Assembly, begun and held at Hillsborough, on the Thirteenth day of April, in the year of our Lord One Thousand Seven Hundred and Eighty Two, and in the Sixth year of the Independence of the said State: Being the First Session of this Assembly. *Alexander Martin, Esq.*, Governor.

CHAPTER I.

An Act for Raising troops to compleat the Continental Battalions of this State, and other purposes.

I. Whereas the time of service of the troops raised to compleat the Continental Battalions of this State by an Act of Assembly passed at Halifax in February, one thousand seven hundred and eighty one, is nearly expired; and whereas it is absolutely necessary the said battalions be immediately compleated, and the common mode of recruiting being found ineffectual;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the colonel or commanding officer of each battalion in this State is hereby directed to order the field officers and captains of his battalion to meet at the place by law appointed for the general muster of his battalion, or at some other convenient place, on or before the fifteenth day of June next, and the field officers and captains shall then and there divide the said battalion, officers and men of every rank between the ages of sixteen and fifty included, (his excellency the Governor, Judges of the Superior Courts of Law, Attorney General, Continental Delegates, the Speakers of both Houses of the General Assembly, and Moravians, Quakers, Menonists and Dunkards, who are by law subject to a three fold tax, in lieu of all draughts and military duty, excepted) into classes of twenty men each, after deducting all such as have been captured and made prisoners when in actual service of this or the United States and are now on parole, and all such as have been lately drafted, or have turned out as volunteers in behalf of classes and have performed their respective tours of duty either by personal service, or by hiring a substitute who shall have performed his tour of duty agreeable to law, and all such who are now in the service of this State under an Act for raising troops out of the militia of this State for the defence thereof, provided such exemption be agreeable to the said Act; and provided that all delinquents who have been turned over to the Continental service for desertion or other military offence, within twelve months preceeding the fifteenth day of March last, shall not be included in any class for raising the aforesaid Continental troops if they have actually served the time prescribed by law, and shall produce a discharge from the proper Continental officer certifying the same.

III. And be it further enacted by the authority aforesaid, That the commanding officer of the several regiments within their respective counties in this State shall cause all the inhabitants of their counties between the ages of sixteen and fifty to be enrolled, no respect being had to any exemptions, and hold a court of enquiry to exempt such who are unfit for service, previous to the day directed by this Act for the classing the

militia as aforesaid; and whereas it may happen that a number not sufficient to make a class may be left, after dividing the battalions into classes of twenty, then and in that case, it shall be lawful for the said commissioned officers, field officers and captains, by lot to determine what men shall be of the said number, and to which class each of them shall be added, therein to stand a draft, provided the class to which he may belong do not produce a volunteer on the day of the general muster; and the commanding officer of each battalion of militia shall, within ten days after classing his battalion as aforesaid, order a general muster of his said battalion at the place aforesaid, and shall then and there require each class to furnish one able bodied man, who shall serve in the Continental battalion; belonging to this State for eighteen months from the day of their meeting at such place of rendezvous as is hereafter appointed: And the said volunteers shall be subject to the same rules and discipline, and have the same pay and rations as the Continental troops belonging to this State, from the day of their being inlisted. And in case a sufficient number of volunteers do not then inlist, the commanding officer shall immediately order one man to be drafted from each of the classes who have failed to produce a volunteer, and each of the men so drafted shall be entitled to receive the same pay and rations as if they had inlisted, and shall be obliged to serve in the Continental battalions of this State for the same term, and be subject to the same rules and discipline as the said volunteer, or produce an able bodied substitute on the day, and at the place appointed by this Act for the district rendezvous, which substitute on being approved of by the field officer delivering, and the Continental officer receiving him, shall be entitled to the same pay and rations, and shall be obliged to serve for the same term, and be subject to the same rules and discipline, as the drafted man would have been had he not hired such substitute.

IV. Provided always, That no British or Hessian deserter who hath not been a resident of this State twelve months, or orphan or apprentice under eighteen years of age, Indian, sailor or negro slave, shall be received as a substitute for any class volunteer or draft whatever: And provided further, That no militia officer shall take or receive any person offered as a substitute for any person, then being himself a substitute for any person or class under this Act, on pain of forfeiting for every such offence, the sum of fifty pounds specie, to be recovered by action of debt in any court of record in this State, by any person who will sue for the same, and applied one half to his own use, the other half to the use of the State, and becoming moreover liable to be removed from office.

V. And be it further enacted, by the authority aforesaid, That the field officers and captains shall class the men in such manner that each class may be of equal value, as near as may be, agreeable to the assessment of their taxable property for the year one thousand seven hundred and eighty one.

VI. And be it further enacted, That each and every captain, or other officer commanding the respective companies of militia in this State, shall, previous to the time of classing their battalion, make return on oath to the colonel or commanding officer of their regiment of all the effective men belonging to their companies respectively, under pain of forfeiting fifty pounds specie for each and every neglect or refusal, to be recovered by any person suing for the same, in any court of record in this State, and applied one half to his own use, and the other half to the use of the State.

VII. And be it further enacted, by the authority aforesaid, That the

captains shall return descriptive lists of the volunteers and drafts raised in and from the several classes apportioned to them, to the colonel or commanding officer within five days after such draft, therein specifying the name, size, age, complexion and occupation, of the men so raised, and also the name of the captain from whose company they were taken; and the said commanding officer shall make two fair copies of such descriptive lists, one of which by him, or one of his field officers, to be delivered with the men so raised, on or before the first day of August next, at the district rendezvous, to the Continental officer or other person appointed to receive and take charge of the said men, and shall take a receipt for the delivery of the men on the other; and shall also take a descriptive list in manner aforesaid of all substitutes there offered by drafted men of the battalion to which he belongs, and approved by the persons appointed for that purpose, one fair copy of which list he is required to deliver with the said substitutes to the Continental officer, or other person appointed to receive and take charge of the said men, and shall take a receipt for the said substitutes in like manner as for the said drafts, and one other fair copy of the descriptive list of such substitutes, together with receipts for the volunteers, drafts and substitutes as aforesaid, shall be returned to, if not taken by, the militia colonel or commanding officer of the battalion.

VIII. And be it further enacted by the authority aforesaid, That the men so raised shall rendezvous on or before the first day of August next at the following places, to wit: Those from the District of Salisbury, at Salisbury; from the District of Hillsborough, at Hillsborough; from the District of Edenton, at Winton; from the District of Halifax, at Warrenton; from the District of Newbern, at Kinston; from the District of Wilmington, at Duplin Court House; and those from the District of Morgan, at Ramsowrs's Mill. And in case any of the said volunteers and drafts should fail to appear at the day and place appointed for the district rendezvous, they shall be considered as deserters, and treated accordingly.

IX. And be it further enacted, That the commanding officer of the battalions shall send a list of the volunteers, drafts and substitutes, to the brigadiers general of their respective districts within fiften days from the district rendezvous, and the brigadiers general shall, within one month from the receipt of such list, transmit copies thereof to his excellency the Governor for the time being.

X. And be it further enacted by the authority aforesaid, That each and every person who shall voluntarily enter, or be drafted into the said service, or be received as a substitute by the persons appointed for the purposes aforesaid, shall be entitled to have and receive two pair of shoes, two pair of stockings, two shirts, two stocks, one pair of leather or woollen breeches, two pair of over-alls, one waistcoat, one coat, one hunting-shirt, one blanket, one hat, and five yards of tent cloth; which cloathing shall be good and new, and shall be delivered to the said volunteer, draft or substitute, on the day and place of the district rendezvous. And in order to procure the aforesaid cloathing,

XI. Be it enacted by the authority aforesaid, That the said cloathing shall be furnished by the respective classes to the volunteer, draft or substitute, belonging to the said class, in proportion to the assessment of their taxable property for the year one thousand seven hundred and eighty one as aforesaid, on the day, and at the place of the district rendezvous, or before. And in case the said cloathing shall not be delivered to the said volunteer, draft or substitute, on the time aforesaid, the colonel

or commanding officer of the county to which such class so deficient belongs, shall by warrant under his hand appoint two of the ablest men in property in the said class, to procure from the class their quota of cloathing so deficient, and in case the said men so appointed, do not collect the said cloathing in the foregoing proportion, with respect to their assessment, within twenty days from their appointment, then and in that case, the colonel or commanding officer shall issue his warrant to the lieutenant or ensign of the company to which such class belongs, to levy of the goods and chattels of the person so appointed, a sum sufficient to procure such deficient articles of cloathing as aforesaid by sale of the goods and chattels of the said persons, which cloathing shall be appraised by two freeholders on oath, and certificates given to the parties furnishing the same in specie, and shall be received by the sheriff or collector in payment of taxes.

XII. And be it further enacted by the authority aforesaid, That every volunteer or draft faithfully serving, either by himself or substitute the aforesaid term, shall be exempted from all drafts whatsoever for twelve months from the date of his, or his substitute's discharge, provided it be certified on the back of the discharge by the commanding officer of the militia battalion to which such volunteer or draft belonged at the time of his entering the said service, that he has reason to believe the said volunteer or draft has faithfully served as aforesaid.

XIII. And be it further enacted by the authority aforesaid, That any person who shall apprehend or deliver, or cause to be apprehended or delivered to a Continental officer, any deserter from the Continental State troops, or delinquent from the militia service, on producing a receipt for the delivery of such deserter or delinquent to the colonel or commanding officer of the county wherein he shall reside, shall be entitled to receive the sum of four pounds specie, as a reward for apprehending and delivering such deserter or delinquent in full, and it is hereby declared, that no exemptions whatever shall in future be allowed for such service.

XIV. And be it further enacted by the authority aforesaid, That the volunteers and drafts raised as aforesaid, shall be forwarded without delay to their respective places of rendezvous by the commanding officer of the battalions from whence they shall be raised, or by some field officer of his said battalion, by him to be appointed for that purpose as herein before directed, on penalty of one hundred pounds specie, to be recovered by any person for the use of the person so suing.

XV. Provided nevertheless, That any two classes in each regiment who shall produce to the commanding officer of the regiment one good waggon, and team of four good horses, geers and every thing compleat for the road, fit to carry one ton at least, and deliver the same as public property, for the use of the North Carolina brigade, shall be exempt from the draft. And provided also, That if it should happen in any case that more than four classes in any battalion should be desirous of furnishing their proportion of waggons and teams, the preference shall be determined by lot, on the day the men are classed.

XVI. And be it further enacted by the authority aforesaid, That every militia officer employed in carrying this Act into execution shall be allowed full pay and rations for every day he may be in actual service; and each and every militia officer neglecting or refusing to do any or every of the duties by this Act required, shall forfeit a sum equal to three months pay, to be collected in the same manner as fines and forfeitures

inflicted by the militia law, which fines and forfeitures shall be paid to the county treasurer for the use of the county.

XVII. And be it further enacted, That the County Commissioners shall, by order of the commanding officer of the county, deliver to the soldiers raised as aforesaid, rations sufficient to serve them to the district rendezvous, allowing fifteen miles for a days march.

XVIII. And whereas sundry persons employed in the quarter master, commissary, and in other the staff department of the Continental army, claim exemptions from militia duty, and other drafts; Be it therefore enacted by the authority aforesaid, That no person whatever shall claim, or be entitled to the exemption from this draft, under colour of being in the staff department of this, or the United States, except the deputy quarter master general, and deputy commissary general.

XIX. And be it enacted, That the Continental officer receiving the drafts and volunteers in the several districts respectively, shall within twenty days after the first day of August next, make returns to the Governor of the said drafts and volunteers by them respectively received, shewing the numbers for each particular county within such district, as also a particular account of the cloathing and tent cloth with which the said drafts and volunteers are furnished.

XX. And whereas the commanding officers of sundry battalions have failed to deliver their full quota of troops which were to be raised by an Act of Assembly passed at Halifax in February, one thousand seven hundred and eighty one, intituled, An Act to reduce the six Continental Battalions belonging to this State to four, to compleat the said four battalions, and for other purposes, and amended by an Act passed at Wake County, the last session of the General Assembly, intituled, An Act to compel the counties which have not furnished their quota of Continental troops as required by a late Act of the General Assembly of this State, to furnish the same; Be it therefore enacted by the authority aforesaid, That in addition to the troops to be raised by virtue of this Act, the commanding officer in each battalion which have failed to deliver their full quota of troops on the last twelve months draft, to the Continental officer agreeable to the directions in the before recited Act, are hereby authorized and directed to raise a number of able bodied men sufficient to compleat the whole number apportioned to the battalions respectively of the delinquent classes, under the same rules and regulations, and subject to the same pains and penalties, as are prescribd in the Acts aforesaid.

CHAPTER II.

An Act to compel all persons who have acted as Commissaries or Quarter-masters, in the Militia line of this State, to account for public stores, and for restraining impressments, and for other purposes.

I. Whereas there are in this State sundry persons who have lately stiled themselves State Commissaries, Quarter-masters, Superintendents, &c. and it is found by experience that those persons have committed great abuses and waste, by making unlawful impressments and misapplication of public stores;

II. Be it therefore enacted by the General Assembly of the State of

North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the quarter-master and commissariel departments within this State, is, and are hereby abolished, any law to the contrary notwithstanding.

III. And be it enacted by the authority aforesaid, That the heads of the departments aforesaid, shall within three months after the passing of this Act, return into the comptroler's office a true and perfect state of their several and respective accounts with the vouchers, distinguishing their several receipts, either by impressment or otherwise from their several deliveries, under the penalty of five hundred pounds specie each, to be recovered by action of debt, in the name of the Governor for the time being, for the use of the State.

IV. And be it enacted by the authority aforesaid, That all deputy quarter-masters, commissaries, and others, employed or acting in either of the departments aforesaid shall forthwith render to the heads of their departments respectively, on oath, a true and perfect state of their several accounts with the vouchers, on or before the fifteenth day of July next, under the penalty of one hundred pounds specie each, to be recovered as herein before mentioned.

V. And be it enacted by the authority aforesaid, That the quarter master and commissary, with their several and respective assistants or deputies, and all other persons in any manner employed in either of the departments aforesaid, having under their charge, or in their possession, any kind of provisions, stores, waggons, horses, cattle, or other articles of public property, shall respectively deliver the same to the nearest County Commissioner, taking his receipt therefor, under the penalty of on hundred pounds specie each, to be recovered as herein before mentioned.

VI. And be it enacted by the authority aforesaid, That the several County Commissioners shall be, and they are hereby appointed, issuers of the specific taxes of their counties respectively, when issuing the same may be necessary, and his or their accounts shall be stated so as to debit him or them with the specifics received on one side, and the state of the issues shall stand as a credit for the same on the other, distinguishing the issues made on account of the United States.

VII. And whereas the public posts on the roads where the troops usually march cannot be supplied by the specific taxes of the counties through which they pass; Be it therefore enacted by the authority aforesaid, That the commissioner attending such post, on application to the commanding officer of the district shall obtain a warrant to draw the specific taxes from the commissioners of the neighbouring counties where there may not be a post, who shall give his receipt therefor, which shall serve as a voucher for the commissioner delivering such specifics.

VIII. And be it enacted by the authority aforesaid, That the commissioners shall give due attendance by themselves, or clerk, at their posts respectively.

IX. And be it enacted by the authority aforesaid, That if any officer, soldier or other person, shall presume to take from any citizen or citizens of this State, any part of their property by impressment, unless it be by a warrant from at least two justices of the peace, which warrant shall not be general, but shall express the particular purposes for which they are granted, or by sheriffs or other officers taking criminals to some gaol, it shall be lawful for any justice of the peace in the county where the offence is committed, upon information on oath, to issue his warrant for the immediate taking and safe keeping of such offender or offenders,

until they are delivered by due course of law; and all military officers are hereby enjoined to support the civil power in the securing, and bringing such offenders to justice.

X. And be it further enacted by the authority aforesaid, That when any warrant shall be granted in the case aforesaid, the person executing the same shall immediately return the warrant to one of the subscribing justices, endorsed with the kind and quantity of articles so impressed, and the name of the person or persons from whom it was so impressed, under the penalty of fifty pounds specie for every neglect, to be recovered by action of debt, in the name of the Governor for the time being, for the use of any person suing for the same, and be further liable to the party aggrieved for all damages he or she may have sustained.

XI. And whereas many County Commissioners in this State have large quantities of live stock on hand, that may not be called for, for immediate consumption; Be it therefore further enacted, That any County Commissioner who shall have any beef cattle on hand, belonging to the public, that shall not be immediately called for, be, and they are hereby required to provide sufficient pasturage for the same.

XII. And whereas it is represented that there are large stocks of live cattle and other stores, in different parts of this State, which are much wanted in the Southern army and have been procured for that use, and as it is necessary that effectual means be adopted to prevent the said army from suffering by the scarcity of provisions; Be it enacted, That his excellency the Governor, by and with the advice of the council, shall appoint a superintendent in each district, whose duty it shall be to receive from the County Commissioners any stores they may have on hand, from time to time, proper for the army, and the same the superintendant or superintendants shall convey, or cause to be conveyed, to the Southern army, or such other posts as the Governor may direct.

XIII. And be it enacted by the authority aforesaid, That his excellency the Governor, with the advice of the Council of State, is hereby authorized and empowered to appoint one or more proper persons to superintend the driving cattle, and transporting stores or supplies to the Southern army, and the supreme executive shall make such arrangements as to draw the specific taxes to such posts and places as may be necessary for supplying the marching continental troops, and troops of this State.

XIV. And be it enaced by the authority aforesaid, That the several penalties by this act incurred, shall be applied to the use and benefit of the public, and shall, by the clerks of the several courts in which the same may be recovered, be paid to the treasurer of the district, who shall be accountable for, and return an exact account of, all monies to the General Assembly.

CHAPTER III.

An Act for the relief of the Officers and Soldiers in the Continental line, and for other purposes therein mentioned.

I. Whereas the officers and soldiers of the Continental line of this State, have suffered very much by the depreciation of paper currency, as well as by the deficiency of cloathing and other supplies, that have been due them according to sundry acts and resolves of the General Assembly of this State; and whereas, the honourable the Continental Congress have

resolved, that such depreciation shall be made good to the eighteenth day of August, one thousand seven hundred and eighty, agreeable to a scale of depreciation established;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all depreciation of pay and subsistance, due to any officer or soldier before the said eighteenth day of August, one thousand seven hundred and eighty, be made good to them agreeable to the resolution of Congress, and that they shall be paid for all deficiency of cloathing, and that John Hawks, James Coor, and William Blount, Esquires, or any two of them, be, and they are hereby appointed a board to liquidate, and finally settle the same in specie.

III. And for the more immediate relief of the parties, Be it Enacted That each officer and soldier shall receive indented certificates, one or more being for twelve months pay and subsistance, which shall be negociable in prompt payment for any public property that may be immediately sold, and shall receive another certificate or certificates, for the balance, which shall be paid off by any treasurer of the State, as soon as the situation of the finances will permit.

IV. And be it enacted, That the balance, or arrearages, due to any officer or soldier who has been killed in action, or died in service, since the eighteenth day of August, one thousand seven hundred and eighty, shall be paid to the heirs of such officer or soldier deceased, and that such widows of officers and soldiers deceased, as are by resolve of the Assembly of North Carolina, entitled to half pay, shall have the depreciation made good to them, and have their certificates issued accordingly.

V. And be it further enacted, That the Commissioners aforesaid shall each receive twenty four shillings per day for their trouble in liquidating, and finally settling the aforesaid accounts, and that any person who shall counterfeit any certificate issued in consequence of this law, shall be deemed guilty of forgery, and suffer accordingly.

VI. And whereas it is proper that some effectual and permanent reward should be rendered for the signal bravery, and persevering zeal, of the Continental officers and soldiers in the service of the State; Be it enacted, That each Continental soldier of the line of this State, who is now in service, and continues to the end of the war, or such as from wounds or bodily infirmities, have been, or shall be rendered unfit for service, which shall be ascertained by a certificate from the commanding officer, shall have six hundred and forty acres of land, and every officer who is now in service, and shall continue in service during the war, as well as those officers who from wounds or bodily infirmities, have left, or may be obliged to leave the service, shall have a greater quantity, in proportion to his pay, as followeth: A private six hundred and forty acres of land, and each non-commissioned officer one thousand acres, a subaltern two thousand five hundred and sixty acres, a captain three thousand eight hundred and forty acres, a major four thousand eight hundred acres, a lieutenant colonel five thousand seven hundred and sixty acres, a lieutenant colonel commandant seven thousand two hundred acres, a colonel seven thousand two hundred acres, a brigadier twelve thousand acres, a chaplain seven thousand two hundred acres, each surgeon four thousand eight hundred acres, each surgeons mate two thousand five hundred and sixty acres; and where any officer or soldier has fallen, or shall fall in the defence of his country, his heirs or assigns shall have the same quantity of land that such officer or soldier would have been entitled to, had they served during the war; and the aforesaid grants of land to each officer and soldier, shall be free from

taxation during the term they respectively shall continue in actual service, unless by them sooner disposed of.

VII. And whereas in May, one thousand seven hundred and eighty, an act passed at New Bern, reserving a certain tract of country to be appropriated to the aforesaid purposes, and it being represented to this present Assembly that sundry families had, before the passing the said act, settled on the said tract of country; Be it enacted, That six hundred and forty acres of land shall be granted to each family, or head of a family, and to every single man of the age of twenty one years and upwards, (to include their improvements) settled on said land before the first day of June, one thousand seven hundred and eighty, for which they shall have the right of pre-emption; Provided, no such grant shall include any salt lick, or salt spring, which are hereby declared to be reserved as public property, together with six hundred and forty acres of the adjoining lands, for the common use and benefit of the inhabitants of that country, and not subject to future appropriations; and all the remainder of the aforesaid tract of country, shall be considered as subject to partition, as by this act directed.

VIII. And be it further enacted, That Absalom Tatom, Isaac Shelby, and Anthony Bledsow, Esquires, or any two of them, are appointed commissioners in behalf of the State, to examine and superintend the laying off the land in one or more tracts allotted to the officers and soldiers, and they shall be accompanied by one or more agents, whom the officers may appoint, to assist in the business; and in case any commissioner so appointed shall die, or refuse to act, his excellency the Governor shall fill up the vacancy.

IX. And whereas it is proper that an early opportunity should be taken to explore, and lay off those lands; Be it therefore enacted, That his excellency the Governor, or his successor, shall be impowered in the course of the present year, or as soon as the situation of the public affairs shall render it practicable and expedient, to direct the commissioners to proceed in the execution of their duty, and he shall appoint them a proper guard, not exceeding one hundred men, properly officered, which said officers shall be appointed and commissioned by the Governor. And that each commissioner shall receive, in one survey, five thousand acres of land for his service.

X. And be it further enacted by the authority aforesaid, That twenty five thousand acres of land shall be allotted for, and given to Major-General Nathaniel Green, his heirs or assigns, within the bounds of the lands reserved for the use of the army, to be laid off by the aforesaid commissioners, as a mark of the high sense this State entertains of the extraordinary services of that brave and gallant officer.

XI. And be it further enacted by the authority aforesaid, That the said commissioners are hereby authorized and impowered, to appoint one or more surveyors, not exceeding three, as they may find necessary, for the more speedy and effectual laying off, and surveying the said lands, and also to employ the usual number of chain carriers and markers, and such number of hunters (not exceeding six) as may be absolutely necessary to supply the persons concerned in this business with provisions, which said surveyors shall be allowed two thousand five hundred acres of land each for their services, the chain carriers, markers and hunters, six hundred and forty acres each for their services, and the private men of the guard three hundred and twenty acres each, and the officers of the guard in proportion to their militia pay respectively.

XII. And be it further enacted by the anthority aforesaid, That the com-

missioners shall be impowered, from time to time, during the execution of this business, to administer an oath or oaths in cases where doubts may arise respecting any settler claiming a right to pre-emption under this act, and to grant certificates to such persons as shall appear to them to have a right to the same; and the said commissioners are directed and required to note down, in a book to be kept by them for that purpose, the names of such persons to whom certificates of pre-emption may be granted, a copy of which certificates they shall return to the General Assembly, also an accurate draught of the country they may explore, and the tracts of land they may lay off.

XIII. And be it further enacted by the authority aforesaid, That the commissioners hereby appointed shall take an oath, to do equal right and justice in determining preference to the settled, as by this act admitted.

CHAPTER IV.

An Act to amend an Act, passed at the last session of the General Assembly, intituled, An Act for continuing the District Auditors of this State, directing their duty in office, and for other purposes; And also another Act, passed at Halifax, on the eighteenth day of January, one thousand seven hundred and eighty one, intituled, An Act for appointing District Auditors for the Settlement of Public Claims.

I. Whereas the before recited acts are found inadequate to the good purposes intended thereby, and the auditors have been much embarrassed in the liquidation of the public accounts; for remedy whereof,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all claims now due, and unsettled, shall be liquidated in specie, by the district auditors, under the same rules and regulations, as prescribed by the before recited act, passed at Wake county.

III. And be it enacted by the authority aforesaid, That the auditors shall be, and they are hereby authorised and directed, to settle with, and adjust the accounts of the several county commissioners within their respective districts, allowing each of them a commission of seven and a half per cent. for receiving, purchasing, and delivering, and return the same with the vouchers, and their report thereon, into the comptroller's office.

IV. And be it enacted by the authority aforesaid, That the district auditors may, and shall settle all such claims and accounts in their respective districts, as are not otherwise provided for by law.

V. And be it further enacted by the authority aforesaid, That the following persons be, and they are hereby appointed district auditors, to wit, William Reighton, Edward Everagin, and James Webb, for the district of Edenton; David Wilson, Matthew Lock, and William Catha, for the middle board of Salisbury district; Fraugott Bagge, James Hunter, and Charles Bruce, for the upper board; and John Auld, Stephen Miller, and Thomas Childs, for the lower board of Salisbury district; John Bradford, John Branch, and William Green, for Halifax district; for Washington and Sullivan counties, Anthony Bledsow, Edmund Williams, and Landon Carter; for the other board in Morgan district, Alexander Irwin, James Miller, and Benjamin Elledge; for Wilmington district, William Dickson, Thomas Rutledge, and John King; for Hillsborough, Archibald Murphrey, John

Nichols, and Richard D. Cook; for New Bern district, James Coor, John Hawks, and Etheldred Ruffin.

VI. And be it enacted by the authority aforesaid, That the several boards of auditors appointed by this act, shall have the same powers, authorities and privileges, as the auditors held and enjoyed under an act, passed at Wake county, intituled, An Act for continuing the district auditors of this State, directing their duty in office, and for other purposes. And in case one or more of the auditors herein named should die, remove, or refuse to act, his excellency the Governor, with the advice of the council of State, shall appoint others to serve in the room of the person or persons so dying, removing, or refusing to act.

CHAPTER V.

An Act for the relief of Persons who have suffered, or may suffer, by their Deeds and Mesne Conveyances not being Proved and Registered, within the time heretofore appointed by law.

I. Whereas many persons, through ignorance of the law, have neglected to have their deeds and mesne conveyances proved and registered, according to the directions of the several acts of Assembly in such case made and provided, or through the confusion of the times have been prevented from a compliance with the aforesaid acts; for remedy whereof,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all deeds and mesne conveyances of lands, tenements, and hereditaments, not already registered, acknowledged, or proved, shall, and may within two years after the passing of this act, be acknowledged by the grantor or grantors, his or their agents or attornies, or proved by one or more of the subscribing witnesses to the same, and tendered or delivered to the registers of the counties where such lands, tenements or hereditaments, are respectively situated; and all deeds and mesne conveyances whatsoever, which shall be acknowledged or proved, according to the directions of this act, though not within two years after the date of the respective conveyances, shall be good and valid in law, and shall inure and take effect, as fully and effectually, to the use and behoof of the grantees, their heirs and assigns, and those claiming under them, as if such deeds and conveyances had been acknowledged or proved, and registered agreeable to the directions of any act of Assembly heretofore made. Provided nevertheless, That nothing herein contained shall be construed to effect, or in any manner whatsoever to relate to, lands or other property of persons coming within the description or penalties of the confiscation act, or any other act creating forfeitures for acts of high and petit-treason. Provided also, That nothing in this act contained shall be construed so as to admit to record, or ratify and enforce any grant or grants, heretofore made in Lord Granville's office.

III. And whereas sundry persons may have purchased land at a time when it was not in their power to have their deeds admitted to record, owing to a stop being put to the business of the several county courts within this State, since which time the grantor or grantors, together with the subscribing witnesses, have removed themselves out of the county where the land lies, to the great prejudice of the purchaser or purchasers; and whereas there is no law to compell them, or any of them, to appear at any of the said courts to acknowledge or prove any such deed or deeds: Be

it enacted by the authority aforesaid, That any person or persons under the beforementioned circumstances, after making it appear to the satisfaction of said courts where such cases may be, the said county courts are hereby empowered to grant a dedimus, directed to some justice of the peace in the county or State where such grantor, grantors, or all or any of the subscribing witnesses may be, impowering the said justice to take the acknowledgment, or probate of such deed, and requiring him to certify the same under his hand and seal, directed to the county court, setting forth that such deed or deeds have either been acknowledged by the grantor or grantors, or otherwise proved by the oath of one or more of the subscribing witnesses, then and in that case, such county courts may, and are hereby impowered to admit such deed or deeds to record, which shall be as good and valid in law, as if the same had been acknowledged or proved in open court of said county, any law to the contrary notwithstanding.

CHAPTER VI.

An Act directing the sale of Confiscated Property.

I. Whereas many large and valuable tracts of land, as well as negroes and other personal property, of persons who have left this State, gone over to the enemy, and joined the same, and others, have been forfeited to the State, and it is apprehended the selling the same will be a means of raising a considerable revenue to the State;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all the lands, tenements and hereditaments, negroes and other estates, real and personal which were, on the fourth day of July, in the year of our Lord, one thousand seven hundred and seventy six, and at any time since, the property of the following persons, to wit, William Tryon and Josiah Martin, Esqrs., Sir Nathaniel Duckinfield, Henry McCulloch, Henry Eustace M'Culloch, Samuel Cornell and Edmund Fanning, Thomas M'Knight, late of Currituck county; James Parker, William M'Cormack, John Dunlap, Neal Snadgrass, and John Lancaster, late of Pasquotank county; James Green, mariner, and John Alexander, late of Craven; Thomas Oldham, late of Chowan; Thomas Christie, of the kingdom of Ireland; Frederick Gregg, late of New Hanover; Andrew Miller, Alexander Telfair, Hugh Telfair, John Thompson, John Hamilton and Archibald Hamilton, late of Halifax; George Alston, late of Granville; Michael Wallace, John Wallace, late merchants of Virginia; William Field, John Field, Jun., and Robert Turner, late of Guilford; John Moore, late of Tryon; James Roberts, late of Surry; George Miller, late of Dobbs; James Cotton, Walter Cunningham, Samuel Williams, late of Anson; Samuel Bryan, William Spurgin, Matthias Sappingfield, late of Rowan; William M'Lellan, late of Edgecomb; Messrs. Dinwiddie, Crawford, and Company, late of Bute county; Robert Palmer, late of Beaufort; Edward Brice Dobbs, Ralph M'Nair, John M'Nair, Joseph Field, James M'Neil, Arch M'Kay, Alex. M'Kay, Neil M'Arthur, John Leggett, John McCloud, Collin Shaw, Wm. Campbell, James Gamble and Company, Thomas Rutherford, William Rose, Alexander M'Kay, Messrs. Waller and Bridgen, merchants in London; Alexander M'Causlin, late of New Bern; Alexander Campbell, Robert Bell, and Duncan Campbell, late of Granville; Francis Williamson, late of Currituck county; Chancey Townsend, doctor Tucker,

late of Wilmington; Buchanan, Hastie and Company; James M'Neil, late of Halifax county; and Alexander Munn, late of Wake county; shall be considered as absolutely forfeited, and shall be sold by the commissioners by this act appointed, in manner hereinafter directed.

III. And whereas the property of sundry other persons hath been seized by the commissioners of confiscated property, sheriff or coroner, in the different counties of this State, as forfeited under some one or other of the acts of Assembly commonly called the confiscation laws, and some differences have arisen, or may arise, respecting the legal forfeiture of the same; Be it therefore enacted by the authority aforesaid, That in all cases whatsoever, (except in cases relating to the property of the persons herein before expressly named) the county commissioners of confiscated property, and where there are no commissioners, the sheriff, and where no sheriff, the coroner, of each county shall, by notice under their, or his hand, require each and every person in the county where they are commissioners, he is sheriff or coroner, in whose hands or possession any property is, which has been, or may be, seized as forfeited, and all other property within this State which may be deemed forfeited, and confiscated by any law, though the same may not hitherto have been seized, or possessed by any commissioner, sheriff or other officer, to appear at the next county court to be held for such county, and before the justices thereof shew cause, if any they have, why such property shall not be adjudged as confiscated to the use of the State; and on failure of the person or persons so notified to appear, the property in the hands of such person or persons, shall be adjudged by the justices of the county court to be forfeited. But wherever any person or persons shall appear, in pursuance of such notice, and dispute the right of confiscation, then and in such case, the court shall direct a trial to be had at the same court, by the jury attending such court, in the same manner as trials are had in other cases; and in case of a verdict being found, that the property in dispute is forfeited under the confiscation laws, then the same shall be sold in the same manner as other property directed to be sold under this act. Provided, That the claims set up by persons under entries or grants obtained since the declaration of independence, shall not be deemed a claim under this act, so as to obstruct or delay the sale thereof, except such entries or grants as have been, or may be made, on the large tract of land called No. V. and of which Arthur Dobbs, Esquire, died seized.

IV. And be it further enacted by the authority aforesaid, That all the lands, tenements and hereditaments, with their, and every of their appurtenances lately belonging to the several persons herein before named, as well as those which shall, under this act, be adjudged as forfeited shall be sold by the commissioner at public vendue for specie, such commissioner giving public notice thereof, by advertising the same at all the court houses in the district in which such property shall be, at least one month before such sales, which sales shall be made on credit for five years, the purchasers giving judgment bonds, with sufficient security, payable to the governor for the time being, or his successor, for the use of the State, in double the amount of the purchase money, conditioned for the payment of the principal at the end of the said five years in specie, and for the faithful payment and discharge of six per cent. interest thereon annually; and in case of the interest not being regularly paid, judgment shall be entered in any court of record for the same, and the bond shall not be void on the first recovery, but judgment may be entered thereon from time to time, so as not

to exceed the whole penalty of such bond, until the interest and principal shall be recovered.

V. Provided nevertheless, That every purchaser who is willing, and desirous of paying any part of the purchase money down, not exceeding two thirds thereof, shall be at liberty to pay the same in certificates issued for currency by the General Assembly, or by any board of auditors in this State, at or before the session of Assembly at Wake court house, one thousand seven hundred and eighty one, at the rate of one hundred and fifty dollars currency for one in specie, (certificates for soldiers bounty excepted) or in currency or certificates issued as aforesaid, for currency since the said session of Assembly at Wake court house, at eight hundred dollars currency for one in specie.

VI. And be it further enacted by the authority aforesaid, That seven commissioners be appointed to superintend the sales of such forfeited estates, whose duty it shall be to receive returns of all confiscated property from the commissioners, sheriff or coroner, in each county, and direct the surveyors of the counties to survey and lay off all the forfeited lands in their respective counties, and return one plan thereof to him, and one other plan to the Secretary's office, which surveys shall not contain more than six hundred and forty acres of land in each; and the said commissioners shall attend the sales of such lands, and make return thereof to the Governor and commander in chief for the time being, or his successors in office, within three months after such sale, in which shall be expressed the quantity and description of the land, county where situated, to whom sold, and the price, with the bond for payment of principal and interest, and thereupon the governor and commander in chief shall cause grants under the great seal of the State to be made to the respective purchasers, which grants shall be enrolled in the Secretary's office, and registered in the county where the lands lie, in the same manner as other grants; but no grant shall issue from the Secretary's office until the purchaser shall, in order further to secure the payment of the purchase money and interest as aforesaid, execute a mortgage of the lands contained in his grant to the Governor and commander in chief for the time being, for the use of the State, in which mortgage it shall be expressly declared, that the same shall be void on the regular payment of the interest yearly, and of the principal at or before the end of the said five years, and on failure of such payment, it shall be lawful for the State to resell the same lands to any other person, or so much thereof as may be sufficient to raise the balance that shall be then due to the public for principal and interest, from any of the grantees, and their Secretaries, their heirs or assigns.

VII. And be it enacted by the authority aforesaid, That in case of the death, removal out of this State, or resignation of all, or any of the commissioners named in this act, that his excellency the Governor, with the advice of the Council of State, be, and he is hereby authorised and empowered to appoint other commissioner or commissioners to fill such vacancy or vacancies.

VIII. And be it further enacted by the authority aforesaid, That the said commissioners shall, before they enter on the execution of their office, take an oath that they will truly and faithfully execute their said office agreeable to the direction of this act; and such commissioners, for such their faithful services, shall be entitled to a commission of one per cent. to be paid them by any of the treasurers on a warrant from the governor, or commander in chief for the time being, and allowed such treasurer in his accounts with the public.

IX. And be it further enacted by the authority aforesaid, That the county surveyors shall be allowed the sum of forty shillings for each and every survey by them respectively made, agreeable to the directions of the said commissioners, paying the chain-bearers, and returning the plans according to the directions of this act, to be paid by warrant from the Governor in manner aforesaid. And in case any surveyor shall meet with opposition by force, he shall apply to the commanding officer of the county, who, on having the same ascertained on oath, shall order out so many of the militia under his command as may be sufficient to repell such force, and support the surveyor in the execution of his office.

X. And be it enacted by the authority aforesaid, That the sales of all confiscated lands, negroes and horses, shall be held at the several district court houses in this state, to wit, Hillsborough, Halifax, Salisbury, New Bern, Wilmington, Edenton and Morgan, by the persons for that purpose appointed; and the sales of all other confiscated property in the several counties where the same may be, by the commissioners or commissioner of confiscated property for such counties respectively, or in case of the neglect or refusal of such commissioners, then by the sheriff or coroner of the county where such refusal or neglect shall happen; and the commissioners shall divide the negroes as nearly as may be, into four equal lots, of which three lots shall be sold for specie, payable in certificates for currency, or currency at the rate herein before mentioned, or specie certificates at the nominal value, the remaining lot to be sold for hard money, one half to be paid in hand, the other half to be paid at six months, for which judgment bonds shall be given, payable to the Governor, or his successor, with good and sufficient security, and the commissioners aforesaid are hereby required and directed to give public notice thereof, in the Virginia and North Carolina Gazettes (if such shall be published) at least sixty days previous to such sale, and also at the most public places in the districts respectively.

XI. And be it further enacted, by the authority aforesaid, That the commissioners of confiscated property herein before mentioned, shall cause all such confiscated property to be sold on or before the first day of January next; and the commissioners are hereby directed and required to order and direct the sales of such in their respective districts in such manner that the sales in no two or more of the districts, shall be on the same week, or in such manner as to prevent any person or persons being desirous of attending the sales of a reasonable time to go from one sale to another, and that the commissioners so appointed shall settle with the district commissioner for all sums that may arise from such sales.

XII. And be it enacted by the authority aforesaid, That the county commissioners shall open the sale of all the confiscated property in their district herein mentioned on one day, and continue the same open until the whole of the property so collected is sold in the said district.

XIII. Provided nevertheless, That the Commissioner for the counties of Washington and Sullivan may, and shall sell the confiscated property in those counties at the court house in Washington, which sales the commissioner for the district of Morgan is hereby required to attend, any thing in this act to the contrary notwithstanding. And the remaining part of the property as herein before mentioned in the district of Morgan to be sold at Burke court house, under the same rules and restrictions as herein before mentioned.

XIV. And whereas it has been represented to the General Assembly that sundry licentious persons, during the late disturbance in this State,

have taken by force or otherwise, various kinds of property from the disaffected inhabitants, and have applied the same to their own use; Be it therefore enacted by the authority aforesaid, That the commissioners of confiscated property shall be, and they are hereby authorized and directed to demand and receive such property so taken as aforesaid, from any person being possessed of the same within their counties respectively, and any person being possessed of property, and refusing to deliver the same to any county commissioner, or his order, shall forfeit and pay a sum in specie equal to three times the estimated value of such property so detained, to be recovered by action on the case in the name of the Governor for the time being for the use of the State, and the commissioners shall sell the property so demanded and received in the same manner as other perishable confiscated property.

XV. And be it enacted by the authority aforesaid, That the commissioners of confiscated property, and all justices of the peace, are hereby authorized and directed to cause all persons within their county whom they suspect, or believe to have been possessed of property taken as herein aforesaid, to appear before some justice of the peace and declare upon oath, what property so taken as aforesaid he now is, or has been possessed of; and if it shall appear that any person summoned to appear as aforesaid, hath been possessed of such property, he shall pay the estimated value thereof to the commissioners for the use of the State, under the penalty herein aforesaid.

XVI. Provided nevertheless, That this Act shall not extend to any species of property taken from the enemy in action, or within their lines, when the same may be proved by two or more witnesses to the satisfaction of the commissioner or commissioners. Provided also, That the several commissioners have full power to stop any sale or the sale of any article, when it is evidently below its value.

XVII. And be it further enacted by the authority aforesaid, That the superintendent or commissioners of confiscated property within this State, pay over the money by him or them received from the sales of property as aforesaid, into the hands of the district treasurers within twenty days from the date of such sales as may be made in consequence of this act, under the penalty of double the sum or sums by him or them so received to be recovered by action on the case, in the name of the Governor for the time being, for the use of the State.

XVIII. Provided nevertheless, That nothing herein contained shall be construed to invalidate or affect any legal sales made, and the consideration money bona fide paid to any of the persons innumerated in this act, pursuant to an act of the General Assembly, intituled, An Act to amend an Act for declaring what crimes and practices against this State shall be treason, and what shall be misprission of treason, and providing punishments adequate to the crimes of both classes, and for preventing the dangers which may arise from persons disaffected to the State.

XIX. And be it enacted, That when any citizen of this State, or the United States, shall have any just claim or demand against any of the persons who have forfeited his or their estates, such citizen shall prefer a petition to the superior or inferior court where he resides, setting forth the nature and circumstances of such claim or demand, whereupon the court shall cause a jury to be summoned to try the said case, in the same manner as juries are summoned to enquire of damages in cases of default, and the court shall pass judgment in favour of the complainant, or dismiss the same agreeable to the verdict of the jury, as the case may

be; and thereupon in case of a verdict and judgment in favour of the complainant, execution may issue against the goods and chattels, lands and tenements, of such debtor, as in other cases, but in case the estate of such debtor shall be sold on account of the State, previous to the recovery to be had against him, then and in such case, the said judgment shall be deemed and considered as a debt due and owing from the public to such creditor, so that the same do not exceed the sales of such estate.

XX. Be it enacted by the authority aforesaid, That every person who has been a resident in this State, and have heretofore attached themselves in any manner whatsoever to the enemies of this, or the United States, it is hereby fully and entirely expressed, that all the property of such person or persons, shall be considered as having been forfeited to and for the use of this State, from the time that such person so joined the enemy as aforesaid; and that all bargains and sales, wills and devises, made so as to interfere with this Act, is, and are hereby declared to be null and void, to all intents and purposes.

XXI. Provided nevertheless, That it shall be lawful for the several county courts in this State, and they are hereby strictly required, previous to any sales which may be made in virtue of this act, to set apart so much of the personal property, including all the household goods of every estate liable to be sold as aforesaid, as will be sufficient for the reasonable support of the wives, widows and children, of any person whose estate is, or may be confiscated, and one third of the lands, or so much thereof as will be sufficient for their support, to be laid off by the county surveyor, in the same manner as lands in dower are directed by the common law, or may, at their discretion, assign the whole of the land, and manor plantation, where the same may be of small value, and not more than sufficient for the purposes aforesaid; and the respective county courts are hereby required to make due return of all such lands and other property to the next General Assembly for their further determination. Provided, That no such reservation of property shall be made, unless for wives, widows and children, now subsisting in this State.

CHAPTER VII.

An Act for ascertaining what property in this State shall be deemed Taxable Property, the method of assessing the same, and collecting Public Taxes.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all lots and lands, with their improvements, slaves under the age of sixty years, horses, mules and cattle, from one year old and upwards, and stock in trade, shall be held and deemed taxable property, liable to be assessed, and the public taxes laid thereon by law collected agreeable to the directions of this Act.

II. And be it enacted by the authority aforesaid, That the sheriffs in the several counties shall, as soon as may be, after the passing of this act, summon the several justices of the peace of their counties to meet at the court house, or the place at which courts are usually held, and that any five of the said justices so meeting, shall lay out their counties into moderate and convenient districts, and appoint a justice of the peace to attend in each district, to receive from every inhabitant thereof a just and

true account, on oath, of all the taxable property within this State which such person was possessed of, in his or her own right, or as agent, factor or attorney, for any other person, on the first day of April, then last past, specifying the particular place or places where such lots or lands lie, and distinguishing the ages of the slaves; and every inhabitant of the respective districts of each county in this State shall, within one month after such court, return on oath to the justice appointed to receive the same, a true account of all the taxable property which he or she was possessed of as aforesaid, on the first day of April then last past, which account shall be immediately delivered by the justice receiving the same to the persons appointed to ascertain the value of taxable property in such district, with an account of the taxable part of his own estate, upon oath; and the said justice of the peace is hereby strictly required to administer to every person delivering such account as aforesaid, the following oath:

"You do swear or affirm, that this inventory by you produced, contains a just and true account of all the taxable property of every denomination, which to you belonged, or which was in your possession, on the first day of April last, which by law is liable to taxation, to the best of your knowledge and belief, and that you have not removed out of this State, or fraudulently conveyed away, any part of your property with intention to evade payment of the tax to which by law the same is liable. So help you God."

And the said county courts shall annually appoint in their respective counties as many intelligent freeholders as they shall think proper, (not exceeding fifteen) and to every three of the number such portion of the county shall be assigned to be assessed as they shall think fit, who shall on oath, to be administered by any justice of the peace, value each individual part of the taxable property of every inhabitant of such county, (negroes and cattle excepted) as near as may be to the reputed and usual estimation or value of the property, in gold and silver, having respect to the valuation of negroes herein after mentioned; and the assessors shall return into the clerk's office of their counties respectively, a fair state of the taxable property in their districts respectively, distinguishing the quantity and valuation of taxable property, in the following form:

Persons Names.	Acres of Land.	Negroes from one to seven, and from fifty to sixty years of age.	Negroes from seven to sixteen, and from forty to fifty years of age.	Negroes from sixteen to forty years of age.	Horses and Mules.	Cattle.	Stock in trade.	Carriage wheels.	Value of each persons property carried out.
A. B.	.....	.....	.....	.....	.....	.....	.....	.....	.....
....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total amt. property.	.....	.....	.....	.....	.....	.....	.....	.....	.....
Value £.	.....	.....	.....	.....	.....	.....	.....	.....	.....

And in case they cannot all agree in such valuation, the agreement of any two shall be valid; but where they shall all differ in opinion

respecting the value of any part of taxable property, then and in that case, the valuation of each of the said persons shall be added together, and the third part of all the three sums shall be deemed the value of the said property, and returned to court accordingly; and such assessors shall make a due, particular, and faithful return of all rateable property, and in their turns shall specify the names and ages of the negroes, and the number of horses, mules and cattle, also the several tracts of land belonging to each individual, the quantity they contain, and the county wherein they lie; and the clerks of each county court shall transmit a fair copy of all such returns to him made, to the General Assembly annually, under the penalty of one hundred pounds specie, to be recovered by action of debt, in the name of the Governor, and applied to the use of the State.

III. And whereas doubts have arisen whether lands which have been entered in the land offices, and for which grants have not been yet obtained, should be deemed taxable property; Be it enacted by the authority aforesaid, That when any person has heretofore made, or shall hereafter make, entries of land in the land offices of this State, agreeable to the act in such case made, and when no caveats have been entered against such entries, that then and in that case, such lands shall be given in as taxable property, and assessed accordingly. Provided always, That this clause shall not affect any lands subject to the operation of the confiscation law, all entries of which are hereby declared null and void.

IV. And be it enacted by the authority aforesaid, That all cattle from one year old and upwards shall be, and they are hereby rated at twenty shillings per head, and all slaves under seven years of age, and all who are between the ages of fifty and sixty, shall be rated at twenty pounds each, all slaves seven years old, and under sixteen, and all between the ages of forty and fifty, shall be rated at forty pounds each, and all slaves sixteen years old, and under forty, shall be rated at eighty pounds; and every wheel affixed to any coach, chariot, phaeton, stage waggon or other carriage of pleasure, be taxed the sum of five shillings specie for each wheel.

V. Provided nevertheless, It shall not extend to tax any new carriage in the hands of the maker remaining unsold. Provided also, That slaves disabled by bodily infirmities, or void of reason, such incapacity to be judged and certified by the county court, shall not be deemed taxable property, nor given in as such by the respective proprietors. And the person so appointed to value the taxable property of such inhabitants shall, previous to their valuing the same, take the following oath before some justice of the peace:

"I, A. B., do solemnly swear, that I will faithfully, and to the best of my information and understanding, according to law, value and appraise the taxable property directed to be valued and appraised by law, of the inhabitants of the county wherein I am appointed for that purpose. So help me God."

VI. And be it further enacted by the authority aforesaid, That if any person or persons, his, her, or their attorney, agent or factor, shall fail or refuse, in due time to give in to the justice of the peace appointed to receive the same, an account of all his, her or their taxable property, agreeable to the directions of this Act, it shall and may be lawful for the assessors in their respective counties, to value and appraise, to the best of their knowledge, the taxable property of the person or persons so failing or refusing as aforesaid, and the tax on all such property shall be two fold the sum which said amount of taxable property for that year

would otherwise have been liable to, and shall be collected and accounted for as other public taxes.

VII. And be it enacted by the authority aforesaid, That every unmarried free man in this State of the age of twenty-one years and upwards, other than soldiers in the service of the continent, or of this State, who shall not possess the value of one hundred pounds in taxable property, shall pay annually, in lieu of assessment on property, a poll tax equal to the tax for that year on one hundred pounds.

VIII. And be it enacted by the authority aforesaid, That the several county courts are hereby authorized to exempt all such aged or infirm persons within their counties, as they may think proper objects, from the payment of a poll tax.

IX. And be it further enacted by the authority aforesaid, That the clerks of the several county courts shall, within thirty days after the courts to which the assessments may be returned, transmit an exact list of the several assessments in their respective counties, and a list of all persons subject to the payment of a poll tax, to the sheriff and county commissioner, and shall also furnish to each tax-gatherer an account of the amount of each persons taxable property, and a list of such persons as are liable to pay poll taxes within the respective districts to which they may be appointed and certify to the public treasurer the amount of the taxes in their several counties, and transmit annually to the General Assembly a fair state of the quantity of all the taxable property in their respective counties, distinguishing precisely the several denominations of such property, with the amount of the valuation of each, under the penalty of one hundred pounds specie for the neglect or omission of each and every of the said duties, to be recovered by action of debt, in the name of the Governor, for the use of the State.

X. And be it further enacted by the authority aforesaid, That the county courts shall appoint a tax-gatherer or collector in each district in their respective counties, who shall collect all the taxes in their respective districts, but before entering on the execution of his said office, shall give bond, with ample and sufficient security, in double the sum at least to be by him collected, payable to the Governor for the time being, and his successors in office, for the faithful discharge of his duty; and every tax-gatherer shall be allowed at the rate of three pounds for every hundred pounds he shall so collect, and shall pay into the hands of the county treasurers the whole amount of his collection, deducting commissions as aforesaid, on or before the first day of February, in each year. And the sheriffs of every county in this State shall demand and receive from the tax-gatherers within their respective counties all public taxes by them collected, and for that purpose the said sheriffs shall be, and are hereby constituted county treasurers, and for their trouble in so receiving the public taxes, and paying the same to the treasurer, shall be allowed at the rate of two pounds for every hundred pounds so received and paid; and every sheriff shall enter into bond in the county court, with two or more sufficient securities, in double the amount of the public tax assessed in his county, payable to the Governor for the time being, and his successors in office, with condition that he shall well and truly account for, and pay to the public treasurer, all such public taxes as he shall receive from the tax-gatherers, after deducting his lawful commissions.

XI. And be it further enacted by the authority aforesaid, That if any tax-gathere shall fail to collect, account for and pay, the public taxes as by this act directed, such tax gatherer shall forfeit his commissions, and

shall be liable to pay the whole amount of the taxes which he ought to have collected; and it shall be lawful for the county treasurer, and he is hereby required to move for judgment on the bond of such tax-gatherer in any court having cognizance thereof; and if any county treasurer shall be found in arrear for public taxes, the treasurer shall, and he is hereby required to move for judgment on the bond of such county treasurer, in any court having cognizance thereof, and such court, upon due proof before them made, that ten days previous notice had been given to such tax-gatherer, or county treasurer, or their securities, shall cause the tax-gatherer or county treasurer, or the securities, to be called, and if the tax-gatherer or county treasurer, or the securities, shall appear and contest the same, the court shall order an issue to be speedily made up and tried by a jury, and shall give judgment and award execution accordingly; but if such tax-gatherer or county treasurer, or the securities, shall fail to appear, the court shall cause a jury to be sworn, to enquire what arrears are due, and shall give judgment and award execution accordingly. And the tax gatherers in the several counties shall, within two months after the courts to which the assessors shall make their returns annually, attend three days at least in their respective districts, previously giving due notice of the time and place, to receive from the inhabitants of such districts their public taxes; and if any person, after being lawfully taxed as aforesaid, shall neglect or refuse to pay the same, on or before the first day of February, in every year, such tax-gatherers may, and they are hereby impowered to levy the same by distress, and sale of the goods and chattels of such delinquent, and shall be entitled to take and receive for such distress four shillings and no more. Provided, that no distress shall be made on slaves without the consent of the owner thereof, if other sufficient personal estate can be found. And if it shall appear to any tax-gatherer that any person in his district is about to remove himself and effects out of the county wherein it is, then it shall and may be lawful for such tax-gatherer to distrain on so much of the goods and chattels of such person, previous to the said first day of February, as will fully pay his or her taxes for that year, and the charges of distress.

XII. And be it further enacted by the authority aforesaid, That the justices of the respective county courts who shall fail or neglect to lay off their respective counties into districts as directed by this Act, or fail or neglect to appoint a justice of the peace for each district, to receive the accounts of the taxable property of the inhabitants thereof, and every justice of the peace who shall be appointed to receive lists of taxable property from the inhabitants of their respective districts, or any of them, or any of the persons to be appointed to value the property of the inhabitants aforesaid, who shall refuse or neglect to do and perform the several and respective duties required of them by this Act, or any of them, the person or persons so neglecting or refusing, shall forfeit and pay for every such neglect or refusal the sum of thirty pounds specie, to be recovered by action of debt, in the name of the Governor for the time being, and applied to the use of the State.

XIII. And be it enacted, That any three justices of any county, on the death, inability, removal, or refusal to act, of any of the justices appointed by the county court to receive lists of taxable property from the inhabitants of such county, or of any of the assessors appointed to value the taxable property, shall, and they are hereby impowered and

required to appoint other justices, or assesors, in stead of those so refusing to act, dying, removing, or being disabled.

XIV. And be it further enacted, That inventories of the estates of testators, intestates, minors and absentees, shall be delivered by the executors, administrators, guardians, agents or attornies, in the same manner as the estates of other persons, and on refusal or neglect shall be valued as aforesaid, and the tax shall be levied of the proper estate of such executor, administrator, guardian, agent or attorney, any law or custom to the contrary notwithstanding.

XV. And be it also enacted by the authority aforesaid, That the real estates of persons residing out of this State, or of the inhabitants thereof who have not any personal property therein, shall be assessed yearly by the persons appointed to value as aforesaid, and a particular and separate return therof made to the county court; and if the tax thereon shall not be discharged within one year after the same becomes due, then such estate, or so much thereof as shall be necessary to discharge such tax, with all contingent charges, shall be sold by the sheriff of the county by order of the county court, any law or usage to the contrary, notwithstanding; and the taxable part of the estates of the assessors in the different counties shall be valued by the court of the county wherein they reside, and the tax-gatherers shall collect and account for the same as in other cases.

XVI. And be it further enacted, That the county courts may allow the assessors reasonable satisfaction for their services, which allowance being certified by the clerk of the court, shall be paid by the sheriff of the county, who shall be allowed for the same in the settlement of his public accounts.

XVII. And be it enacted, That every person holding lands by title of dower, courtesy, or other estates for life, or on lease for five years or more, shall pay all such taxes as shall be assessed on the same, in like manner as owners of other lands are required to pay by this Act.

XVIII. And be it further enacted by the authority aforesaid, That the Moravians, Quakers, Menonists and Dunkards, shall pay a three fold tax, and all others who refuse to take an oath of allegiance as the law directs, shall also pay a three fold tax.

XIX. Provided nevertheless, That no Moravian, Quaker, Menonist or Dunkard, shall be subject under any pretence whatever to pay more than a three fold tax for exemption from military duty, and an additional single tax for refusing or neglecting to return his, her or their inventory, and thus together not to exceed four fold on the whole.

CHAPTER VIII.

An Act for levying a Specific Provision Tax, for defraying contingencies, and supporting the Armies of the United States, for the year One Thousand Seven Hundred and Eighty Two.

I. Whereas it is absolutely necessary that provisions be collected for defraying contingencies, and supporting the armies which are, or may be employed in defending the United States;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the present year a specific provision tax be levied on all the taxable property of the inhabitants of this State, as follows: Each and

every inhabitant of this State shall, for every one hundred pounds value in specie of their taxable property, contribute and pay to the commissioner of his respective county, one bushel of corn, or three pecks of wheat, or one bushel rough rice, or one and an half pecks of clean ditto, or five pecks of oats, or three pecks of rye, or ten pounds of good fresh pork, or six pounds of salted ditto, or twelve and an half pounds of fresh beef, or twelve pounds of dry salt, or fifteen pounds of flour; Provided, That the article of Indian corn shall not be received to be stored at any time but between the first day of January and the first day of February next; but the same may be received in such quantities as may be immediately wanting for the supply of the army at any time when demanded. Provided also, That every inhabitant shall be allowed, on account of the provision tax he may be liable to pay, for all such provisions and forage as he may supply on account of the public after the passing of this Act until the first day of February next, in case they produce a certificate of such supply from under the hand of any Continental or militia commanding officer, or quarter master, having a special warrant, from one justice of the peace of the county to grant the same, making a proper description, whether the same be for the use of the Continental or militia department, duly sworn to, to the county commissioners, and the county commissioners respectively shall be allowed for all such certificates in the settlement of their public accounts. And in case any certificate shall exceed the amount of the provision tax, the commissioner shall give such person a certificate for the balance, which balance he shall be bound to repay out of the specific tax if enabled by the collection so to do, otherwise the same to be allowed in the next years tax, and the articles of forage shall, in the settlement of this tax, be allowed for at the following rates, that is to say, seventy five pounds of hay, or fifty six pounds of blades, or fifty six pounds of sheaf oats, as equal to a bushel of Indian corn; and every inhabitant shall be obliged severally to convey and deliver his specific tax at such place or places within the county as may be ordered and directed by the commissioner, (not exceeding three in any county) he having respect to the ease of the inhabitants in fixing the same as convenient as possible; and that any person who shall refuse or delay to pay his or her proportion of this specific tax agreeable to the true intent and meaning of this Act between the first day of September and the first day of February next, the collector of the district, or the sheriff of the county, shall and may, by warrant from the commissioner, make distress, seizure and sale, of the goods and chattels, or for the want thereof, lands and tenements, of the person so refusing or neglecting, sufficient to purchase double the quantity of such specific supplies at the highest price then current in the county, and the collector or sheriff shall pay the same into the hands of the county commissioner, who shall be answerable for the same in the settlement of his accounts, and the collector or sheriff shall be entitled to receive for every distress so made, the sum of four shillings specie and no more.

III. And be it further enacted by the authority aforesaid, That all Quakers, Moravians, Menonists and Dunkards, between the ages of sixteen and fifty, shall be taxed, and shall deliver in the specific enumerated articles aforesaid, or some one of them, as an equivalent for exemption from militia duty, three times the quantity which the inhabitants liable to militia duty in this State would for the same amount of taxable property be liable to pay, and all single men not possessed of one hundred pounds specie in taxable property (such as are in the regular ser-

vice excepted) shall pay a specific tax on the said sum, any law or custom to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That immediately after the passing of this Act, the sheriff of each county in this State shall summons the justices thereof to meet at the court house, or some other convenient place, within six days after such notice, any five of whom having met, they, or a majority of them, shall and are hereby required to nominate and appoint a proper person to be commissioner of such county, for carrying the purposes of this Act into effect, and from time to time to fill up vacancies, and that the said commissioner, before entering upon his office, do give bond with security approved of by the justices appointing him, in the sum of two thousand pounds specie, payable to the Governor and commander in chief for the time being, and his successors, with the following condition: The condition of the above obligation is such, that whereas the above bounden ——— is appointed commissioner for the county of ——— Now if the said ———shall well and truly execute the office of a commissioner for receiving and issuing the specific provision tax for the year one thousand seven hundred and eighty two, according to law, then the above obligation to be void, otherwise to remain in full force: Which bond shall be delivered and lodged in the office of the clerk of each county respectively, there to be safely kept; and the commissioner, before entering upon the duty of his office, shall also take the following oath before the county court, or any three justices of the peace of the county, to wit: I A. B. do swear that as commissioner for the county of ——— I will well and truly execute the trust reposed in me agreeable to law. So help me God. And the commissioner for each county respectively shall have full power to rent, hire or seize, for public use, stores, warehouses and other inclosures, for keeping the before enumerated articles, as also to receive, purchase or barter, for salt, barrels, and every other article necessary for curing and safe keeping the provisions he may receive by virtue of this Act, and each commissioner who may be appointed in consequence of this Act, shall have and receive five per cent. commissions on all provisions by him received, and also two and an half per cent. on all issues; and every person who acted as a county commissioner for the last year, and who still resides in such county, on giving bond and qualifying agreeable to this Act, shall be impowered, and is hereby required, to hold and exercise the duty of commissioner in such county for the present year, in case a new commissioner should not be appointed under the direction of this Act on or before the first day of September next.

V. And be it further enacted, That in each county the clerk of the county court shall, in distinct lists signed by him of each captain's district in the county, furnish the commissioner with the true amount of the tax of each inhabitant, and the county courts are hereby impowered and required to grant certificates to the commissioners for all such amount of taxes as they deem insolvent and could not be collected, for which said commissioners shall be allowed in settling their public accounts.

VI. And be it further enacted, That in case any justice of the peace, collector, sheriff or any other officer, shall neglect, refuse or delay, to do or perform any of the duties required of them by virtue of this Act, they shall severally forfeit and pay the sum of fifty pounds specie for every neglect or refusal, to be recovered in the county court where the forfeiture shall happen, and be applied to the use of the poor in such county; and every county commissioner shall, previous to the collection of the tax in his

county, transmit to each captain in the county a list of the taxes due from his district for the information of the people, and shall, for the fair keeping and easy settlement of his accounts, enter all the different articles he may receive and issue in a book expressly kept for that purpose in different columns for each article, and shall give receipts for all articles by him received in the payment of his tax, and shall give due attendance by himself or his deputy for the transacting the business hereby required of him, and shall in due time salt and preserve any pork or beef for the well keeping thereof, and shall prevent as far as possible the spoiling or wasting of any article, and shall account for all his transactions, and the monies he may receive by virtue of this Act, with the General Assembly, or such other authority as may be appointed by law.

VII. And be it further enacted, That the several county commissioners shall once every six months render an account to the Governor of the State for the time being, of the different specifics on hand, or oftener if the Governor should call for them, and send expresses for that purpose, under the penalty of fifty pounds specie for every offence, and the Governor, with the advice of the council, may cause the same to be delivered to the order of the commander in chief in the Southern department, or he may cause them to be sold for cash when they are not otherwise needed, or he may cause them to be exchanged for such articles as are necessary for the army.

VIII. Provided, That no person shall be appointed as commissioner for any county within this State unless such person has fully settled for all specific supplies which he may or ought to have received for the preceeding year.

IX. Be it further enacted, That all such persons as choose to pay specie in lieu of specific articles herein before recited, shall be, and are hereby allowed to pay the sum of two shillings and six pence specie for every hundred pounds value of their taxable property respectively, and each person subject to a poll tax may pay the like sum in lieu of his specific tax, any thing herein before contained to the contrary notwithstanding.

CHAPTER IX.

An Act to amend an Act passed the last Session of the General Assembly, intituled, An Act for levying a Specific and Pecuniary Tax.

I. Whereas by the before recited Act one fourth part of the pecuniary tax was directed to be paid in Continental currency, which in many parts of this State cannot be procured by the inhabitants thereof;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for such persons who are still in arrears for the said tax, either to pay the said Continental currency, or the same sum in State currency or certificates upon the public, any law to the contrary notwithstanding: And the collectors of taxes shall account upon oath, and pay into the hands of the sheriffs or county treasurers, all specie certificates they may have on hand, or may hereafter receive, in payment of such taxes, at the same rate they may receive them, and the treasurers shall account in the same manner at the same rate.

CHAPTER X.

An Act for raising a Revenue for the Support of Government.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the year one thousand seven hundred and eighty two, a tax of one penny specie on each pound value of the taxable property in this State, shall be levied and collected from the inhabitants agreeable to law, and in lieu of assessment on property, a poll tax of eight shillings and four pence in specie shall also be levied and collected from each and every unmarried man between twenty and fifty years of age whose taxable property shall not amount to the sum of one hundred pounds, (such unmarried men who are in the Continental service, and others who received any wound in defence of this country, whose property does not exceed one hundred pounds, excepted;) and every freeman from sixteen to fifty years of age of the Quakers, Moravians, Menonists and Dunkards, who are admitted as regular members of those societies, and on account of religious scruples are indulged in an exemption from militia duty, shall, in consideration of such exemption, pay a further tax of two pence specie in each pound value of their taxable property for the year aforesaid, exclusive of the tax of one penny specie on each pound value of taxable property which by this Act the other inhabitants are liable to pay; and that all free men of either of the aforesaid societies from the age of sixteen years to fifty, whose taxable property does not amount to one hundred pounds, shall pay a poll tax of one pound five shillings.

II. And in consideration of the scarcity of gold and silver coin in this State, Be it enacted by the authority aforesaid, That all and every person liable to pay public taxes shall be at liberty to pay any part not exceeding three fourths of the whole amount thereof, in some one or more of the following articles, to wit, inspectors certificates for any quantity of tobacco actually delivered on account of taxes at some public warehouse in this State, at the rate of twenty four shillings for each hundred pounds, good hemp at forty five shillings per hundred, deer skins Indian dressed at three shillings per pound, bees wax one shilling and six pence, tallow nine pence, indico six shillings per pound, good flour eighteen shillings per hundred, clean'd rice twenty shillings per hundred, good pork seventy five shillings per barrel, linen yard wide five hundred slay two shillings and eight pence, six hundred slay three shillings and four pence, seven hundred slay four shillings, eight hundred slay four shillings and eight pence, nine hundred slay five shillings and four pence, and one thousand slay ditto six shillings per yard; all which articles it shall be the duty of the county treasurer to inspect, and see that the same is good and merchantable, and safely keep them in such place as the county court may direct.

III. And be it enacted by the authority aforesaid, That the collectors for the different districts of each county in this State respectively shall collect from the inhabitants thereof, the whole amount of their public tax, and after deducting his commissions, pay the same in the identical articles which they received from the inhabitants to the county treasurer on or before the twentieth day of January, one thousand seven hundred and eighty three, and shall also deliver therewith on oath, a particular account of the quality and quantity of the articles he shall have so received for taxes as aforesaid, and the county treasurer shall in like manner be liable to account on oath for each particular article he shall

receive from the district collectors, and after deducting his commissions, shall pay the amount of the specie he may receive for taxes into the hands of the district treasurer on or before the first day of February next, whose receipt shall be allowed in the settlement of his accounts with the public.

IV. And be it enacted by the authority aforesaid, That if any person subject to pay taxes as aforesaid, shall neglect or refuse to pay the same in due time agreeable to this Act, it shall be lawful for the collectors respectively to levy the same by distress and sale of the goods and chattels, lands and tenements of such delinquent, sufficient to raise the full amount of such tax in specie, and the collector shall be entitled to receive for every distress the sum of four shillings specie and no more.

V. And whereas there is in this State a number of persons possessing considerable property who by law are exempt from doing or performing any military duty, or from aiding in raising and keeping up the Continental line of this State; and whereas it is reasonable that such persons should pay as an equivalent for military services, an additional pecuniary tax on their property; Be it therefore enacted by the authority aforesaid, That all the free men in this State who possess taxable property of greater value than two hundred pounds, and who are by the laws of this State exempt from drafts in the militia or Continental service, shall pay an additional tax of four shillings in every hundred pounds of his taxable property, to be paid in specie and specific commodities, in the same manner and proportion as other taxes are by this Act directed to be levied and paid, for and in lieu of all military services. Provided, That no man who hath been wounded and disabled in the public service, has two sons liable to do service under twenty one years of age, nor Quakers, Moravians, Dunkards or Menonists, who now pay by law a three or four fold tax, shall be considered as included in this clause.

CHAPTER XI.

An Act for giving an Equity jurisdiction to the Superior Courts.

I. Whereas the courts of law, as at present established, are not equal to the redress of all kinds of injuries, but many innocent men are withheld of their just rights, and some deprived of them altogether, for want of a court or courts of equity;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the expiration of the present session of the General Assembly, each Superior Court of law in this State shall also be and act as a court of equity for the same district, and possess all the powers and authorities within the same, that the court of chancery which was formerly held in this State under the late government used and exercised, and that are properly and rightfully incident to such a court, agreeable to the laws in force in this State, and not inconsistent with our present constitution. Provided, That no final decree shall be passed by any such court but where two of the judges at least are present.

III. And be it further enacted by the authority aforesaid, That the rules and methods of proceeding in the said courts shall be as follows, that is to say, the plaintiff may file his bill in the clerk's office, either during term time, or in the vacation, and therein suggest on oath such damages

as he thinks he has incurred by the conduct complained of in the defendant (which damages are to be stated in specie) and thereupon the clerk shall issue a writ of subpoena as is usual in cases of chancery or in case either of the judges shall give special order to hold the defendant to bail, the clerk shall issue a writ directed to the sheriff of the county wherein the defendant is supposed to be resident, as follows:

The State of North Carolina, To the Sheriff of ——— County, Greeting.

You are hereby commanded to take the body of ——— late of your county, (if to be found in your county) and him safely keep, so that you have him before the judges of the superior court of law and equity for the District of ——— at the town of ——— on the ——— day of ——— next, or until he shall give you good and sufficient security in the sum of ——— pounds specie, (which sum is hereby directed to be double the damages suggested on oath in the bill) to appear and answer at the said court on the day aforesaid, to a bill in equity filed against him by ——— and this you shall in nowise omit at your peril. Witness ——— clerk of the said court at ——— the ——— day of ——— and in the ——— year of the State.

Which writ the sheriff is hereby directed and required to obey; and the same rules and regulations shall be observed in regard to bonds taken by virtue of this Act, and that they be upon the same footing in all respects as bail bonds taken by the sheriff on actions at law, except that they shall be assignable by the sheriff, or his executors or administrators, under the direction of the court, and the sheriff is to be held liable for taking insufficient security as in such cases in actions at law. Provided, That no such writ shall issue against an executor, administrator or heir at law, who is sued as such, but the process against such executor, administrator or his heir at law, shall be by a writ of subpoena, as usual in cases of chancery, and the penalty for not appearing and answering shall be one hundred pounds specie, but the said penalty is not to be levied, nor final judgment given for it, until the term ensuing that to which it is returnable, nor without a scire facias having been duly served, and proof therof made to the satisfaction of the court, as in cases at law where scire facias's are required. And where any other person is made a defendant together with such executor, administrator or heir at law, as aforesaid, a capias may issue as above against such other person, and a writ of subpoena against such executor, administrator or heir at law. No writ shall be served by the sheriff unless he has a copy of the bill ready to deliver to the defendant, and he is hereby ready to deliver the said copy immediately after the service of the said writ; nor shall any service be valid unless it be made at least ten days before the term at which the defendant is required to appear, and where the service is by subpoena the defendant shall be served with a copy of the bill at least ten days before such term, on failure of any of which requisitions, the defendant may plead the matter in abatement, and the bill shall be dismissed. Upon such writ or subpoena being duly served, and a copy of the bill delivered in proper time, (proof being made to the satisfaction of the court by return of the sheriff or by affidavit) the defendant shall appear and put in his answer or plea, agreeable to the practice in chancery, or demur; or on failure thereof the plaintiff's bill shall be taken pro confesso, and appointed to be heard ex parte at the ensuing term.—Provided, That if within the three first days of the said ensuing term the defendant shall offer any satisfactory reason to the

court for his not appearing at the first term, the order for the bill being taken pro confesso, and heard ex parte, may be discharged, and the defendant then admitted to plead, answer or demurr, and such time shall be allowed in this as well as in all other cases for the pleadings on both sides, and such day appointed for the hearing as the court shall direct. Commissions to take testimony may issue, directed to any two justices of the peace, who shall have all the powers of commissioners of chancery, and the rules of proceedings in all cases of taking such testimony shall be conformable to the method of proceeding formerly observed in the court of chancery in this State. Provided, That no such testimony shall be taken until at least twenty days notice of the time and place of taking the same be given to the opposite party, unless the court for sufficient reasons should appoint any other limited time for the notice, which they may do in all cases, either by enlarging or shortening the time hereby appointed for taking such testimony, as the case may require; commissions may also issue to any justice or justices of the peace to take the plea, answer, or demurer of a defendant, as is accustomed in cases in chancery with respect to commissioners of chancery, and the said justice or justices, shall have all the power of such commissioners for that purpose. Any one judge of the court may in the vacation, if it shall be necessary, grant such commissions as are above mentioned, or may himself examine testimony, or take the plea, answer or demurer, of a defendant in like manner; he may also grant injunctions, or ne exeats, where the necessity of the case will not admit of a delay, but still subject to the controul and further order of the court, and no ne exeat shall issue where sufficient bail has been taken for the party's appearance. All matters of fact that shall come in issue between the parties shall be determined by a jury in the presence of the court, as in trials at law, and the trial shall be by the jury attending the superior court, or if they shall be discharged, it may be by a jury summoned instanter, (who are to be qualified as other jurymen) or a special jury may be summoned for that purpose with the consent of the parties, and approbation of the court, and the mode of proceding by such juries shall be the same in every respect as in trials at law; the same rules and methods to be observed in this case as have been practised upon questions of fact being submitted by a court of chancery to the decision of a common law jurisdiction. Costs shall be paid by either party at the discretion of the court. The court may at any time during the dependence of the suit, require further security from a defendant, or on failure thereof, make use of such personal process as was formerly used by the court of chancery held in this State, and deemed incident to the chancery jurisdiction; and the court shall in all cases have power to order such process to enforce their sentences or decrees, as have usually belonged to courts of chancery.

IV. And be it further enacted by the authority aforesaid, That from and after the expiration of the present session of the General Assembly, each superior court of law in this State shall be called in all court proceedings, the superior court of law and equity for its respective district, and shall have the like jurisdiction in the said district in matters of equity, as it now has in matters of law, and shall be deemed equally for that purpose a court of record: And each clerk of the said superior court of law for the time being, shall be also clerk of the court of equity, and

keep all the proceedings of the said courts distinctly by themselves, and shall be entitled to the following fees and no other:

	£.	s.	d.
For An Injunction	0	5	0
A supersedeas or return	0	1	6
Entering up a decree	0	3	0
Calling or dismission	0	0	8
Taking every deposition in writing	0	0	8
Interrogatories, if drawn by the Clerk,	0	1	6
A commission to take testimony	0	2	0
Every petition or motion, if entered in writing	0	0	8
Recording of any paper not before mentioned, or copy of record, per copy sheet containing ninety words	0	0	6
Setting down the cause for hearing	0	1	6
Every search	0	0	10

V. And be it further enacted by the authority aforesaid, That the respective sheriffs shall be entitled to receive the same fees for any services under this Act, as for the like services in the proceedings at law, and be entitled to the same remedy for the recovery of them.

CHAPTER XII.

An Act to establish a Department for Adjusting and Liquidating the Public Accounts of this State, and for appointing a Comptroler, and other purposes.

I. Whereas it is indispensably necessary that the public accounts of this State should be immediately settled, and those of the several departments collected into one office, so that the Legislature may have a clear and distinct view of the accounts, and of the state of each department from time to time;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That there shall be ten Boards of Auditors, to consist of three members at each board, two of which boards shall be for the District of Morgan, and three for the District of Salisbury, any one of the members of which boards is hereby authorized and impowered to administer an oath or affirmation where the same may be necessary, and the said boards shall perform such duties, receive such emoluments, and be subject to such penalties and forfeitures, as may be pointed out by law.

III. And be it enacted by the authority aforesaid, That a comptroller shall be appointed by the General Assembly, who shall keep his office as near as conveniently may be to the center of the State, and whose duty it shall be to direct the mode of stating, to check and controul all public accounts in every department, that he shall enter up in books for that purpose a clear and distinct view of the accounts of each department ready for the inspection of the General Assembly, and who shall at any time when required by his excellency the Governor, and Council of State, make out a brief state of the public accounts for their information.

IV. And be it further enacted by the authority aforesaid, That the several Boards of Auditors shall make accurate returns half yearly to the comptroler's office, of all the accounts, with the vouchers, which they may have respectively liquidated; that the several district treasurers,

the county commissioners of specific taxes, the commissioners of confiscated estates, the clerks of courts who have passed the accounts of commissioners of confiscation, and all persons who have acted as quarter masters, commissaries, and all others in the staff department, the late commissioners of trade or public agents, and all whose accounts are independent of any of the departments aforesaid, are hereby required respectively to render a true and perfect state of their several accounts and vouchers forthwith into the comptroller's office, and then half yearly afterwards, in case any such officers may be continued.

V. Provided nevertheless, That all such persons as have heretofore accounted with the public shall not be called upon for their respective accounts and vouchers, but that such accounts and vouchers shall be furnished from the different officers or persons in whose possession they are.

VI. And be it enacted by the authority aforesaid, That the State Board of Auditors, or their clerk, shall deliver into the comptroler's office all public books, accounts and vouchers, which are or have been in their possession, and the several clerks of the District Boards of Auditors shall respectively deliver to the District Auditors who may be appointed by virtue of this Act, all their books, vouchers and papers, which respect the public accounts, and the same shall be done by the county commissioners, and the commissioners of confiscated estates, to their respective successors, and the same shall be done by every person who may be removed from office or employment, or suspended, to their successors, or to such other person as the comptroler may direct to receive the same.

VII. And be it enacted by the authority aforesaid, That the clerks of the district boards of auditors respectively by this Act required to make returns of the proceedings of such board to the comptroler's office, shall be allowed all reasonable expences attending such duty.

VIII. And be it enacted by the authority aforesaid, That any person or persons named or described in this Act, refusing or failing to perform their respective duties required by this Act, shall for every offence forfeit and pay fifty pounds specie, to be recovered by action of debt, in the name of the Governor for the time being, for the use of the State.

IX. And be it further enacted by the authority aforesaid, That the comptroler, and each auditor, before entering on the duties of their several appointments, shall before some justice of the peace take the following oath: I, A. B. do swear, that I will well and truly execute the trust reposed in me as comptroler or auditor, (as the case may be) without favour or partiality, according to law, to the best of my knowledge and understanding. So help me God.

X. And be it enacted by the authority aforesaid, That in case of the resignation or death of the comptroler, the supreme executive are hereby authorised and impowered to nominate a person to exercise the powers, and perform the duties of comptroler, during the recess of the General Assembly.

XI. And be it further enacted by the authority aforesaid, That the comptroler shall be allowed eight hundred pounds specie per annum for his services, exclusive of all necessary expences for books and paper, and that he shall employ one, two, or three clerks, the first of which shall be allowed a salary of two hundred and fifty pounds specie, inclusive of his expences, and for the others he shall be allowed the necessary wages, and that the comptroler shall apply to the Governor, who is hereby authorised to grant warrants quarterly on the treasury for his expences; and that each member of any of the several Boards of Auditors shall

be allowed three dollars specie per day for each day's attendance at the board, and the clerks of the respective boards the same.

XII. And be it enacted, That the district commissioner shall sell the house and lot in Newbern which belonged to the late Samuel Cornell, in and on which he lived, being that in which Messrs. Singleton and Jones now live, with the wharf and everything to the said lot and wharf appertaining, for hard money, one third to be paid in hand, the remaining two thirds in four and eight months, with good security, after the same has been advertised for one month; the county commissioners of confiscated estates shall also sell all the slaves lately belonging to Thomas Oldham late of Chowan county, for hard money, on the same terms that the lot and its improvements are to be sold, two thousand five hundred pounds of the money arising from those sales to be paid into the hands of the Governor for the time being, to be appropriated to the sole purpose of defraying the expences of the delegates in Congress, any thing in this Act, or any other Act of the General Assembly, to the contrary, notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That the comptroler of this State, in liquidating and settling any accounts with any person or persons who may have been entrusted with public monies, or may have been receivers of public monies, to settle and account for any sums by them received and accounted for, agreeable to the scale of depreciation as by law established.

CHAPTER XIII.

An Act for ascertaining the salaries of the Governor, Secretary, and other Officers of the State.

I. Whereas it is necessary that the principal officers of the State should be allowed salaries suitable and adequate to the dignity of their respective offices;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That his excellency the Governor be allowed the annual sum of one thousand pounds specie in full for all his services as Governor; that the Secretary of State be allowed annually the sum of one hundred and seventy five pounds specie, exclusive of such fees as are or may be established by law, in full of all expences for public services; that each of the delegates be allowed the sum of eighty pounds specie per month during the time of their traveling to and from, and attendance at Congress; that each of the judges be allowed the sum of fififty pounds specie for each and every court he shall attend; that the Attorney General be allowed for each superior court he shall attend forty pounds specie, together with all fees by law established; that each of the public treasurers be allowed annually the sum of one hundred pounds specie for their services, in lieu of all commissions incident to their appointments; that each of the members of the Council of State be allowed twenty shillings specie for each and every day he shall attend at the council board; and that the public printer be allowed the sum of six hundred pounds specie per annum for his public services, exclusive of the prime cost of paper, for which he shall be allowed by the auditors or General Assembly.

III. And be it enacted by the authority aforesaid, That the Governor

shall appoint a private secretary, whose special duty it shall be to enter into books for that purpose, fair copies of all official letters written by the Governor which are of considerable importance, also to enter up fair copies of all official letters which may be received from the delegates for this State in Congress, the President of Congress, with such Acts and resolutions as may be transmitted, letters from General Washington, the commanding officer of any separate department, and such other public letters and papers as his excellency the Governor may judge necessary, which book or books shall be laid before the General Assembly at their next session, and by the clerk be carefully preserved in their office; that the private secretary shall be allowed a salary of two hundred pounds specie in full consideration of all expences incidental to his office, except such fees as he may be allowed by law for preparing and applying seals to grants of land.

CHAPTER XIV.

An Act to regulate and ascertain the fees to the Secretary of State, the Governor's Private Secretary, the Surveyors, and other Officers.

I. Whereas it is necessary that adequate fees be allowed to the Secretary of State, the Governor's Private Secretary, and the County Surveyors, for services by them respectively to be performed;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the future the said officers shall take and receive the following fees, to wit. The Secretary of State, for receiving the surveyor's return, filing the plan, making out and recording the grant, with the indoresment thereof, and the certificate thereon, to be paid by the grantee at or before the delivery of the said grant out of the office, four shillings; for docketing a caveat, filing order of suspension of grants, issuing and certifying such suspension to the court, and entering and filing the judgment of court thereon, four shillings; for copying and certifying a will, four shillings; for copying and certifying the record of a grant or patent, four shillings; for every commission for a place of profit, eight shillings; for every search, eight pence; for every certificate, one shilling; for recording inventories, orders for letters testamentary or of administration, to be received and accounted for by the clerk of the county court, two shillings and eight pence. To the Governor's Private Secretary, for the certificate of suspension of a grant, two shillings and eight pence; for every testimonial, five shillings; for every commission for a place of profit, eight shillings; for a pilot branch eight shillings; for the great seal, two shillings and eight pence; for sealing each grant for land, including wax, paper and tape, used in making the same, to be paid by the grantee on or before the delivery of the grant out of the secretary's office, two shillings and eight pence. To the surveyor, for making each survey of three hundred acres or under, sixteen shillings; for every hundred acres more than three contained in a warrant, four shillings.

III. And be it further enacted by the authority aforesaid, That so much of the tenth clause of an Act of Assembly passed at Wake Court House in June, one thousand seven hundred and eighty one, intituled, An Act to regulate and ascertain the several officers fees therein mentioned, as directs that the fees therein rated in specie shall be received in currency at

the proportion of two hundred for one, is hereby repealed and made void; and that the above fees shall, and may in future, be discharged in specie or eight hundred currency for one specie.

CHAPTER XV.

An Act for the security of the Bank of North America.

I. Whereas Congress on the twenty sixth day of May last did, from conviction of the support which the finances of the United States would receive from the establishment of a national bank, approve a plan for such an institution; and whereas a subscription thereto was filled, and a president and directors chosen, from the expectation of a charter of incorporation, and as the exigencies of the United States render it indispensably necessary that such an Act of incorporation should be passed, and the Congress of the United States have been pleased, by an ordinance dated the thirty first of December, one thousand seven hundred and eighty one, to incorporate as well those who then were, as those who thereafter might become subscribers to the said bank, by the name and stile of the president, directors and company, of the Bank of North America, and as it is the interest of the United States that the faith of the said bank should be preserved;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said ordinance of incorporation shall be held and deemed valid and effectual to all intents and purposes, as if the same had been passed by an Act of the General Assembly of this State.

III. And be it further enacted by the authority aforesaid, That if any person shall erase, alter, or counterfeit any note or notes of the aforesaid bank of North America, he shall be deemed guilty of felony without the benefit of clergy; and if any president, inspector, director, officer or servant, of the said bank, shall convert any of the property, money, or credit of the said bank, to his own use, or in any other way be guilty of fraud or embezzlement as an officer or servant of the bank, he shall be deemed guilty of felony without benefit of clergy.

CHAPTER XVI.

An Act to confirm certain Patents therein specified, issued in Virginia, for Lands which on the extension of the Boundary Line between this State and that, are found to lie within the State of North Carolina.

I. Whereas it is represented to this General Assembly that certain lands granted and patented in the State of Virginia under a supposition of their being within the bounds thereof, have on the late extension of the boundary line between this State and that, been found to lie within the bounds of this State, and although it is consonant to justice, to custom, and to the obligations of Foederal Union, that titles to such lands should be established in this State, yet it is advisable, in order to prevent monopolies and obviate stale or latent grants, to particularize the lands which stand in the said predicament.

II. Be it enacted by the General Assembly of the State of North Carolina,

and it is hereby enacted by the authority of the same, That the patents or grants herein after enumerated, which were so issued in Virginia for lands now found to lie within this State, shall be good and valid in this State, in like manner as if they had been passed or issued therein, either previous or subsequent to the declaration of independence. Provided, That the said patents or grants were, or would have been good and valid in Virginia, according to the laws thereof, previous to the extension of the said boundary line. Provided also, That nothing herein contained shall be construed so as to defeat any previous or elder grant or deed, which may have been issued in the State of North Carolina, for the same lands, or any part thereof; the said patents or grants as above ratified, established and confirmed, are and shall be as follows, to-wit: A patent issued to Edmund Pendleton, bearing date the sixteenth day of August, one thousand seven hundred and fifty six, containing three thousand acres, and lying on a branch of the middle fork of Indian river, called West Creek, according to the courses thereof; a patent issued to John Shelton, bearing date the same day and year, containing nine hundred and forty acres, and lying on the middle fork of the Indian river, according to the courses thereof; a patent issued to John Buchanan, bearing date the twentieth day of June, one thousand seven hundred and fifty three, for one thousand two hundred and fifty acres, and lying on the Indian river, according to the courses thereof; and one other grant or patent issued to William Campbell and William Preston, executors of John Buchanan, who was assignee of James Patton, deceased, bearing date the twenty third day of December, one thousand seven hundred and seventy nine, containing one thousand nine hundred and forty six acres, and lying on Woods River, or Shelton Creek, a branch of the middle fork of Indian river, at a place called the Sappling Grove, according to the courses thereof.

III. And be it further enacted by the authority aforesaid, That the confirmation of the said patents, as above enumerated, shall accrue and enure to the confirmation of the titles, of any person claiming under either of the said patentees as purchasers, as much as if they had been the original patentees, and had been named in this Act.

IV. And be it further enacted by the authority aforesaid, That any person claiming a tract of land in virtue of this act, may apply to a magistrate, who shall issue his warrant to the sheriff to summon a jury of good and honest men, who are not interested in any of the lands herein mentioned, to meet on the premises in question, which jury being met, shall be sworn by the said magistrate to enquire what person or persons possess the best title to the said lands under this Act, and having returned their verdict to such magistrate, he shall thereupon by his warrant require the sheriff (who shall attend for the purpose) to put the person who shall be so found to possess the best title under this act, his agent or attorney, into actual possession of the said premises. Provided, That such verdict shall only effect the bare possession of the said premises, and shall not be a bar to a suit or suits which any person or persons may think proper to commence for the recovery of the said lands, but such suit shall be tried and determined in like manner as if no jury had been impannelled thereon. Provided nevertheless, That no jury shall be summoned to meet on the premises before the first day of December next.

CHAPTER XVII.

An Act for appointing a place for the Future Meetings of the General Assembly.

I. Whereas it is found by experience that great and manifest inconveniences have arisen to the public, and are daily increasing for want of having a proper place fixed on for holding the General Assembly;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the present session of Assembly, and until a proper place shall be fixed on for a seat of government by legislative authority, the future General Assemblies of this State shall be held at the town of Hillsborough.

III. Provided always, That if at any time the General Assembly shall have good cause to apprehend that their session is in danger of being interrupted by the enemy, they may adjourn to any other place of greater safety.

IV. Provided also, That in case the said town of Hillsborough should by chance of war fall into the hands of the enemy, or be in imminent danger of falling into their hands, or in case any contagious disease should prevail in such place at the time appointed for the meeting of the General Assembly, the Governor or Commander in Chief for the time being, by and with the advice of his council, shall have power at all times in the vacations of the General Assembly, to convene them to such other place as he shall judge most proper and convenient.

CHAPTER XVIII.

An Act to amend an Act intituled, An Act to amend an Act passed at New Bern in May, one thousand seven hundred and eighty, intituled, An Act to enlarge the jurisdiction of Justices of the Peace, and for other purposes.

I. Whereas in the two before recited Acts no provision is made for the recovery of small debts contracted in specie.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all debts and demands of five pounds specie or under, where the ballance due on any specialty, contract, note, account or agreement, or for goods, wares and merchandize, or for anything else, are hereby declared to be cognizable and determinable by any one justice of the peace, and the said justice is hereby impowered to give judgment for the same in specie with costs, and award execution accordingly. Provided, That if the defendant shall give bond, with one or more sufficient securities, such justice shall stay execution two months, provided the sum exceed two pounds specie, and for all sums under, twenty days any thing herein contained to the contrary notwithstanding.

CHAPTER XIX.

An Act to Amend an Act passed at New Bern the second day of May, one thousand seven hundred and seventy eight, intituled, An Act to impower the County Courts of Pleas and Quarter Sessions in this State to order the laying off Public Roads, and establish and settle Ferries, and other purposes therein mentioned.

I. Whereas the before recited Act has been found insufficient to answer the purposes thereby intended, occasioned principally by the depreciation of the paper currency of this State; for remedy whereof,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all overseers of roads who are, or shall be hereafter appointed, shall continue in office, and do his duty as directed by the before recited act, for and during the term of one year, under the penalty of forfeiting ten pounds specie, to be recovered and applied in the same manner as fines in the before recited act are recovered and applied.

III. And be it further enacted by the authority aforesaid, That all persons refusing when legally summoned by the overseers, to attend and do their duty, shall forfeit and pay the sum of five shillings specie per day for every day he or they shall neglect or refuse to attend and do their duty, to be recovered by a warrant from a justice of the peace, and applied towards maintaining and keeping in repair the roads and bridges they should have laboured on.

IV. And be it further enacted by the authority aforesaid, That so much of the before recited Act, and all others, as come within the purview and meaning of this Act, is hereby repealed, made void, and of none effect.

V. And whereas by an Act, intituled, An Act for dividing Bute county, into two distinct counties, and other purposes therein mentioned, John Faulcon, Julius Nichols, and William Duke, were appointed commissioners to let the public buildings of Warren county, and John Norwood, Matthew Thomas, and Joseph Morris, commissioners to let those for Franklin county, which public buildings have not been finished, and at present the tax levied for the purpose of defraying the expence of erecting and finishing the same is found insufficient to answer that end from the rapid depreciation of the currency, and as the time for compleating and finishing the public buildings aforesaid has expired, and the money which was to defray the expence thereof still in the hands of the commissioners, which ought to be applied to other purposes; Be it therefore enacted by the authority aforesaid, That the commissioners herein before mentioned shall be, and they are hereby directed to pay the whole of the money by them received for the purposes aforesaid, into the hands of the county treasurer, which shall be applied towards defraying the contingencies of the respective counties of Warren and Franklin.

CHAPTER XX.

An Act to prolong the time of saving lots in the several Towns in this State.

I. Whereas from the impossibility of procuring necessary materials for building, as well as from many other unavoidable hindrances occasioned by the present war with Great Britain, it hath been put entirely out of the

power of the owners of lots in the said towns to compleat their buildings within the time limited by law.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That no lots in the said towns, or any one of them, shall be forfeited for want of buildings or other improvements directed to be made thereon by the several laws for establishing the same, until two years after the expiration of the present war with Great Britain, any law to the contrary notwithstanding.

CHAPTER XXI.

An Act for Dividing the Rowan Regiment of Militia into two separate and distinct Regiments.

I. Whereas the great extent of said county and the uncentrical situation of the court house, renders it very inconvenient for the militia of the west end of said county to attend court martials and other military duties at said court house; for remedy whereof,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the companies of the following captains, to-wit, Captains Davidson, Cowan, Crawford, Caldwell, Purviance, Graham on Hunting Creek, Nichols and Sharpe, as they now stand, shall be a separate and distinct regiment known by the name of Rowan Second Regiment of Militia.

III. And be it further enacted by the authority aforesaid, That said regiment, from and after the passing of this Act, shall have, exercise, and enjoy all the powers and authorities that any other separate and distinct regiment in this State does exercise and enjoy, any law to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That the place for holding general musters for said regiment shall be at the plantation lately occupied by Christopher Irwin.

V. And be it further enacted by the authority aforesaid, That nothing contained in this Act shall be considered or deemed descriptive of, or influence any determination respecting the boundaries of a new county, if at a future period such new county should be moved for.

CHAPTER XXII.

An Act for Dividing the District of Salisbury.

I. Whereas the great extent of the counties west of Salisbury makes it extremely inconvenient for the parties, witnesses and jurymen, to repair to, and attend the superior courts of law at that place, and the said court, in the course of a term as the same is now limited by law, cannot decide the great number of causes, civil and criminal, that arise in the extensive district of Salisbury; wherefore for the more speedy trial of causes civil and criminal, and to obtain a more full and compleat administration of justice in the several counties which compose the said district,

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said district of Salisbury be divided in the manner following: The counties of

Rowan, Anson, Mecklenburg, Guilford, Surry, Montgomery, and Richmond, shall be and remain the district of Salisbury; and the counties of Burke, Wilkes, Rutherford, Washington, Sullivan and Lincoln, immediately after the passing this act, shall be, and are hereby declared to be a distinct and separate district by the name of Morgan, wherein the judges of the several superior courts of law for the State shall, twice every year, sit and hold a superior court of law, one session thereof beginning on the first day of March, and the other on the first day of September annually, and the said sessions respectively shall each be continued by adjournment for ten days, exclusive of Sundays, if the business depending in such court shall not be sooner finished.

III. And be it further enacted by the authority aforesaid, That the judges of the several superior courts of law in this State, shall possess and exercise as full and ample power and authority, in all causes, matters and business whatsoever, in the said district of Morgan, as they now do lawfully possess, or may exercise in any other district of this State, and that the judges, attorney general, or in his absence, such person as the court shall appoint to transact the business in his department, shall have the same allowance for attendance and services in the said district of Morgan, as they respectively are, or may be entitled to receive, for the same services in any other district.

IV. And be it further enacted by the authority aforesaid, That the several county courts in the said district of Morgan, at their respective sessions next before the sitting of the superior court of law therein, shall appoint persons to serve at the same as grand and petit jurymen, as follows, viz. in Burke twenty, in Wilkes ten, in Rutherford nine, and in Lincoln nine, who shall receive the same pay, and be liable to the same penalties, as jurymen appointed to serve at the several superior courts of law in other districts.

V. And whereas the extensive mountains that lie desolate between the inhabited parts of Washington, and the inhabited parts of Burke counties, make the transportation of criminals from the former to the latter difficult and on the way may frequently find means to break custody and escape; wherefore that offenders in the said counties of Washington and Sullivan may be more easily and certainly brought to justice. Be it enacted by the authority aforesaid, That one of the judges of the superior court, and some other gentleman commissioned for that purpose, or one of them, twice in every year, at the court house in Washington county, sit and hold a court of Oyer and Terminer, and general gaol delivery, for the trial of all criminal causes whatsoever within the limits of the counties of Washington and Sullivan, one session thereof beginning on the fifteenth day of February, and the other on the fifteenth day of August, and every session shall be continued by adjournments for five days, exclusive of Sundays, unless the business shall be sooner finished; and the said court shall possess and exercise as full and ample power and authority in all criminal matters within the limits aforesaid, as the judges of the several superior courts of law in this State possess and exercise in other districts, and shall also have power to receive and try appeals from the county courts of Washington and Sullivan.

VI. And be it further enacted by the authority aforesaid, That the judges who shall hold the said Court of Oyer and Terminer, attorney general, or in his absence the person appointed by the court to do the business in his department, shall have two thirds of the allowance for attendance and

service, as the judges and attorney respectively are entitled to receive for the same service at the superior courts of law in other districts.

VII. And be it further enacted by the authority aforesaid, That the county courts shall appoint jurymen as follows, viz. Washington thirty two, and Sullivan sixteen, to serve as grand and petit jurors at the said court of Oyer and Terminer, and the said jurymen shall receive the same allowances, and be liable to the same penalties, as jurymen appointed to serve at the several superior courts of law in this State.

VIII. And be it further enacted by the authority aforesaid, That the superior court of law for the district of Morgan shall be held at the court house in Burke county, until some other place shall be appointed by Act of Assembly.

IX. And be it further enacted by the authority aforesaid, That if the day of the month as above prescribed for the first day of any term of either of said courts shall happen to be Sunday, then such term shall begin on the day following.

X. And be it further enacted by the authority aforesaid, That the jurors for the superior courts to be held at Salisbury, for the district of Salisbury, shall be furnished from the several counties of said district in the following proportion, to wit, Anson three, Richmond three, Montgomery three, Guilford eight, Surry seven, Rowan fifteen, and Mecklenburgh nine.

CHAPTER XXIII.

An Act for regulating the town of Edenton.

I. Whereas it is the interest of every State to regulate the police of its seaport towns, and encourage their trade, and whereas the laws hitherto passed for regulating the town of Edenton have proved very defective, and the method in use of appointing commissioners for the town is inconsistent with the spirit of our present constitution;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That five commissioners for the town of Edenton shall be chosen annually on the first Monday in July of every year, in the presence of the sheriff, or any two justices of the peace, for the county of Chowan, and every freeholder who is resident in the said town, and every free man who has resided there for twelve months, and paid public taxes, shall be qualified to vote for such commissioners, which commissioners when chosen, shall have all the powers, and be possessed of all the rights and authorities, in respect to titles to public lots, or otherwise, which any former commissioners had, and were possessed of, so far as is consistent with the perview of this Act, any former act, custom or law to the contrary notwithstanding.

III. And be it further enacted by the authority aforesaid, That the said commissioners may surround the town with a ditch or fence, erecting proper gates on the highways, they shall keep the public streets and bridges in good repair, they shall cause a public market house to be erected in some convenient place in the town, and a public wharf to be erected opposite to some street or public lot.

IV. And be it further enacted by the authority aforesaid, That the said commissioners may let out public lots on the bay that are not immediately wanted for public use, or buildings, on lease for any term not exceeding fifteen years, the rents to be applied to the use of the town.

V. And be it further enacted by the authority aforesaid, That the said commissioners shall enjoy and exercise all the powers that have been granted to former commissioners respecting the laying out of streets, and regulating of buildings, and in case they find that any building encroaches on the street they shall either cause the same to be withdrawn, or compromise with the owner for a certain annual rent to be paid for the use of the town.

VI. And be it further enacted by the authority aforesaid, That every person who is the owner of any lot in the town of Edenton, shall within six months after the passing of this act, cause the same to be cleared from woods and brush, and he shall keep it clear; that no inhabitant of the town, or other person, shall be permitted to keep hogs, goats or other stock, to graze at large in the commons, except horses and black cattle, and the number of these that may be kept by every free man inhabitant of the town, shall be regulated by the commissioners; no person shall strain a horse in any public street in the town so as to endanger the life of children, or other helpless inhabitants: every person offending contrary to these regulations, or any other laws for regulating the police of the town of Edenton, shall be fined by the trustees in any sum not exceeding twenty shillings, to be recovered before any justice of the peace, for the use of the town, and they may appoint a clerk, who shall keep a fair and compleat record of their proceedings, and be allowed for the same out of any public monies in the hands of the treasurer of said town, such sum as the commissioners shall deem adequate to his services.

VII. And be it further enacted, by the authority aforesaid, That the commissioners for the town of Edenton for the time being, shall be, and in all things act, as a body corporate, that they may plead or be impleaded as such, and bring any action against any person whatsoever for any injury done to any public building or lots in the said town, in the same manner as any private person might do for any injury done to any private property, and the intervention of the annual election shall not be considered to dissolve the body corporate, so as to abate any action depending in any court wherein the said body corporate is a party, but the new commissioners shall in every respect, and to all intents and purposes, (except as to any responsibility for any abuse of office) be considered on the same footing, and standing in the place of their predecessors, and a majority of the commissioners shall be held sufficient to decide upon any business. Provided, That no meeting of the commissioners be held to decide upon any public business, unless notice of the intended meeting, signed by one of the commissioners, shall have been left at the dwelling house of each commissioner, at least twenty four hours before the said meeting.

VIII. And be it further enacted by the authority aforesaid, That the said commissioners may levy on every lot in the town of Edenton, a tax not exceeding ten shillings specie per annum and they may lay a tax not exceeding ten shillings specie per annum, on every free man who has been resident in the said town for six months; and in case any person thus taxed shall refuse to pay the same during thirty days after notice of the same in writing, he shall be liable to an action of debt, to be brought by the said commissioners in any court of record, and if judgment shall go against him, the court may assess a fine on the said defendant not exceeding one half of the debt so recovered, over and above the said debt, to be also applied to the use of the town.

IX. And whereas the court house in Edenton has been much injured, and is subject to repeated injuries, from the want of proper care; Be it therefore

enacted by the authority aforesaid, That the commissioners aforesaid shall repair the said court house and keep it in order, for which repairs they shall be paid out of such money as has been collected, or may hereafter be collected, for the purpose of erecting a prison or court house in the town of Edenton, for the District of Edenton.

X. And be it further enacted by the authority aforesaid, That the commissioners shall appoint one of their body to act as a treasurer, to receive and account for all public monies, of which a regular entry must be made in a book to be kept for that purpose, and upon the appointment of a new treasurer the old one shall immediately pass his accounts with him, and pay any balance remaining in his hands. Provided, That before such treasurer enters upon his office, he shall give bond with good security, payable to the commissioners, and conditioned for the faithful discharge of his duty.

XI. And be it further enacted by the authority aforesaid, That each commissioner, before he enters on his office, shall take, and he is required in the presence of two justices of the peace, to take the following oath: I, A. B. do swear, that I will faithfully discharge the office and duty of a commissioner for the town of Edenton, agreeable to law, according to the best of my judgment. So help me God.

XII. And be it further enacted by the authority aforesaid, That all and every former Act or Acts passed for the regulation of the town of Edenton, so far as the same, or any part thereof, is or are inconsistent with this Act, is and are hereby repealed and made void.

CHAPTER XXIV.

An Act for the promotion of learning in the District of Edenton.

I. Whereas the good education of youth has the most direct tendency to promote the virtue, increase the wealth, and extend the fame of any people, and as it is the indispensable duty of every Legislature to consult the happiness of a rising generation, and endeavour to fit them for an honourable discharge of the social duties of life; and whereas it is represented that a public seminary of learning is much desired in the District of Edenton, and that some provision is already made for such an institution;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Mr. Iredell, Mr. Gregory, Mr. Charlton, Mr. Samuel Johnston, Mr. Everagin, Mr. Lawrence Baker and Doctor Hugh Williamson, shall be, and they are hereby declared to be a body corporate, to be known and distinguished by the title of the trustees of Smith's Academy, in the District of Edenton; and the said trustees shall appoint annually out of their own body a president, a treasurer, and a secretary of the corporation, and they the said trustees shall keep a public seal, and the same may alter or amend at pleasure; they shall be capable of suing or being sued at law; they may purchase lands and the same dispose of at pleasure; they may receive donations or legacies in money, lands and other property. Provided, The interest, rents, and nett profits of their capital, shall not at any time exceed three thousand Spanish milled dollars per annum: In general they shall or may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.

III. And be it further enacted, by the authority aforesaid, That the trustees having purchased or erected proper buildings for a public seminary

in some convenient part of the district, shall employ one or more teachers in the same by the name of rector, professors, and tutors, whom they may remove or displace if they should find it necessary.

IV. And be it further enacted by the authority aforesaid, That the trustees shall appoint their public visitations of the academy once every six months, when they shall examine what progress is made by the several students, at which visitations they may, for the encouragement of learning, give certificates to any student concerning the progress they have made in any species of learning. Provided always, They shall not on any account grant degrees or titles, such as the degree of batchelor or master of arts, or doctor in any faculty.

V. And be it further enacted by the authority aforesaid, That the trustees shall not in any case sell public lands, or dispose of public money, unless when a majority of the board is present, or during their stated half yearly visitations, nor then unless written notice had been given by the president or secretary to each member at least four weeks before the visitation, signifying the proposed disposition or sale.

VI. And be it further enacted by the authority aforesaid, That on the death of any trustee, or in case any trustee should refuse to serve, or should so far neglect the duty he owes the public, as to absent himself from the stated or extraordinary meetings of the board for two full years, the remaining trustees considering the seat of such deceased, resigning, or absenting member as vacant, shall at their next meeting elect some fit person to serve in his place.

VII. And be it further enacted by the authority aforesaid, That no rector, professor or tutor, may at any time be chosen a trustee of the academy. That the Governor of the State, for the time being, though not a trustee, may at any of their visitations take a seat with them.

VIII. And be it further enacted by the authority aforesaid, That the rector, professors and tutors in the academy, shall be exempted from military duty. Provided, No person shall claim this exemption unless he has been at least six months a stated teacher in the Academy, and continues in that duty. Provided also, The number of teachers shall not exceed three.

IX. And be it further enacted by the authority aforesaid, That nothing contained in this Act shall be considered as tending to prevent the trustees from distinguishing their public hall, their museum, or their library, by the names of such persons as may, within twelve months, give the most liberal donations to this seminary.

CHAPTER XXV.

An Act for building a Prison in the Town of Edenton.

I. Whereas it is represented that from the want of a prison in the town of Edenton, for the District of Edenton, the civil administration of justice is nearly at a stand, and the military service of the State greatly retarded;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Josiah, Collins, Michael Payne, Joseph Blount, Nathaniel Allen and Joseph Smith, be, and they are hereby appointed commissioners for building a good and sufficient prison for the use of the District of Edenton, in the town of Edenton, and for the purpose of contracting and agreeing with proper persons

to compleat and finish the same, in such manner as they shall think sufficient.

III. And be it further enacted by the authority aforesaid, That an assessment of eight pence in every hundred pounds be laid on all taxable property in the county of Chowan, and an assessment of four pence in every hundred pounds value be laid on all taxable property in the Counties of Currituck, Cambden, Pasquotank, Perquimons, Gates, Hertford, Bertie and Tyrrell, for two years, to be collected for the present and the succeeding year by the respective sheriffs or collectors of the said counties, and accounted for and paid to the said commissioners at the same time, and in the same manner, and under the like penalties and restrictions, as is or may be directed for collecting, accounting for, and paying other public taxes.

IV. And be it further enacted by the authority aforesaid, That before the said commissioners shall enter upon their trust, or take into their hands any of the monies to be collected by this Act, they shall enter into bond in the sum of two thousand Spanish milled dollars, payable to the Governor and commander in chief for the time being of this State, and his successors conditioned for the faithful discharge of the trust reposed in them.

V. And whereas by an Act of the General Assembly of this State, in the second year of our independence, intituled, An Act for erecting a prison in the town of Edenton, for the use of the District of Edenton, a tax was laid for raising money towards building a prison in the town aforesaid, and as it is alleged that the sheriff or collectors in the several counties in the district aforesaid have refused or neglected to pay the greatest part of the monies by them collected, into the hands of the trustees and directors mentioned in the aforesaid Act, under pretence of its small value from the great progress of depreciation; Be it therefore enacted by the authority aforesaid, that every person who have collected or received any monies in consequence of the Act recited, and for the purposes therein mentioned, shall pay, and they are hereby required to pay to the commissioners herein mentioned, the several sums by them received, with depreciation from the time it was their duty to have paid or accounted for the same; and on their refusal thus to pay, the commissioners aforesaid shall proceed against them by an action on the case, which monies thus received or recovered shall be applied to the uses mentioned in this law.

VI. And be it further enacted by the authority aforesaid, That if the different sums that may be collected in consequence of the assessments directed to be made, or referred to in this Act, shall be more than sufficient for building a prison, the balance shall be paid to the chairman of the county court of Chowan, for the time being, who shall cause it to be applied towards repairing the court house in the town of Edenton, or to be returned to the county courts of the several counties in which it was collected, and in such proportions as it was paid by those counties respectively.

CHAPTER XXVI.

An Act for appointing Commissioners to examine the claims of Thomas Clark, and others, against the estate of James Murray, and other purposes therein mentioned.

I. Whereas it has been represented to the General Assembly of the State of North Carolina by memorial from Thomas Clarke, colonel of the First regiment of North Carolina Continental troops, John Innis Clark, brother to

the said Thomas, and Anne, sister of said Thomas, now wife of William Hooper, by her said husband, that James Murray, formerly of the State of North Carolina, but who from the beginning of this war has attached himself to the enemies of the United States, and has incurred the forfeiture of his estate, real and personal, under the regulations of certain Acts of Assembly now in force against persons within the said description, after the payment of all just debts out of such estate which may be due and owing to the good inhabitants of any of the United States; and whereas the memorialists have set forth that the said James is greatly indebted to them, and as it is highly reasonable that the said memorialists should, from the estate of the said James, have and receive what in equity and good conscience is due and owing to them;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Samuel Ashe, Alfred Moore, Thomas Craike, John Lillington, Caleb Grainger, John Moore and James Gillispie, be, and they, or a majority of them, are hereby appointed commisioners to hear all such matters and things as the said memoralists have set forth, or may hereafter urge, for and in support of their claims against the said James Murray, and to receive all such proof as may be offered by the memorialists, or others in their behalf, which proof would be admissible in a court of equity, under the circumstances set forth at large in the memorial referred to; and the said commissioners shall also hear all such testimony as shall be offered against the claim or demand of the said memorialists, and for that purpose shall summon witnesses to appear and give evidence, or produce books or papers respecting the same, and all persons summoned and failing to attend and give evidence, or produce papers or books accordingly, shall for such offence forfeit and pay one hundred pounds specie, to be recovered by action of debt, in the name of the Governor for the time being, for the use of the State.

III. And be it further enacted by the authority aforesaid, That the said commissioners shall themselves, if one of them be a justice of the peace in the county where they shall meet for the purpose aforesaid, administer an oath to all such as shall appear as witnesses, and if no one of the said commissioners be a justice of the peace in the said county, some other justice of the peace may administer the said oath in the presence of the said commissioners, and the said commissioners are further impowered to admit such written testimony as may be adduced under the restrictions aforesaid.

IV. And be it further enacted by the authority aforesaid, That the said commissioners before entering on the duties of their appointment, shall take the following oath: I, A. B. do swear that I will faithfully inquire into, and according to equity and good conscience a true return make, on the claim of Thomas Clark, John Innis Clark, and Annie Hooper, by her husband William Hooper, against the estate of James Murray. So help me God.

V. And be it further enacted by the authority aforesaid, That after the said commissioners shall have fully heard and considered the claims of the said memorialists, if it shall appear to their satisfaction that the said James Murray is in equity and good conscience indebted to the said memoralists, they shall certify the same to the next General Assembly that further proceedings may be had thereon, to the end that justice may be done in the premises.

CHAPTER XXVII.

An Act for establishing a Town on the lands formerly belonging to Colonel James Bonner, at the Forks of Tar River, in the County of Beaufort.

I. Whereas it hath been represented to this General Assembly, that in the year of our Lord one thousand seven hundred and seventy six, thirty acres of land was purchased by a number of persons for a town from Col. James Bonner, at a place generally known by the name of the Forks of Tar River, bounded on the east by lands lately belonging to Daniel Maxwell, deceased, on the north by land belonging to the said James Bonner, on the west by William Boyd, and Thomas Simmon's land, and on the south by the river Pamplico, which said land hath been laid out into half acre lots, with streets, &c., and whereas several habitable houses are already erected thereon, and the same might be improved if it was erectd into a town by lawful authority;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said thirty acres of land be, and the same is hereby constituted, erected, and established a town, and shall be called by the name of Washington.

III. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, Nathan Keais, esquire, Richard Blackledge, John Bonner, James Bonner, Junior, and John Gray Blount, be, and they and every of them are hereby constituted and appointed commissioners for designing, building and carrying on said town, and they shall stand seized in an indefeasible estate in fee simple in the said thirty acres of land, to and for the uses, intents and purposes, herein expressed and declared, and that the said commissioners, or any three of them, shall have full power and authority to meet as often as they shall think it necessary, and cause an exact plan of the said thirty acres of land to be made, first laying off convenient streets, which are to have regard as much as may be to the houses and improvements already made on said land, and to insert the mark or number of each lot, and also the name and width of the streets, which plan shall be kept in some convenient place in the said town for the view of such persons as incline to have a lot or lots in the same.

IV. Provided nevertheless, That nothing in this Act contained shall be construed to extend to grant power to the said commissioners, or their successors, to dispose of, or interfere with the titles of any lot or lots already saved in the said town, or for any which any person or persons have at the time of passing this Act a deed of sale or conveyance, signed and executed according to law, by the said James Bonner, and Mary, his wife.

V. Provided nevertheless, That every grantee of any lot or lots in the said town so conveyed shall within two years next after the expiration of the present war with Great Britain, erect, build and finish, on each lot so conveyed, one good habitable stone, brick, or framed house, with a brick or stone chimney not less than sixteen feet square, or proportionable to such dimensions, and if the owner of any lot shall not comply with the directions by this Act prescribed for building and finishing a house thereon, then such lot shall be revested in the said commissioners, and the said commissioners, or a majority of them, may, and they are hereby authorized and impowered to sell such lot, in the same manner as if the same had never been sold or granted; and in case of refusal or neglect of any purchaser to pay the sum agreed for, the said commissioners shall and may commence and prosecute a suit in their own names for the same, and thereon recover judgment and costs.

VI. And be it further enacted by the authority aforesaid, That the lots number twenty one and number fifty, shall be deemed saved lots, and shall be appropriated to and for the use of the town, in such manner as the commissioners of the said town shall think proper, and shall be called public lots, and that the deeds already made by Col. James Bonner, and Mary his wife, for the two before mentioned lots, shall vest in the commissioners for the time being a fee simple estate, to and for the purposes aforesaid.

VII. And be it further enacted by the authority aforesaid, That all the monies which shall arise by the sale of lots forfeited in said town, shall be paid to the commissioners for the time being, and by them applied for the benefit and improvement of said town, in such manner as a majority of the said commissioners shall think proper.

VIII. And be it further enacted, by the authority aforesaid, That the commissioners, or a majority of them, shall have full power and absolute authority to pass such necessary rules and orders as to them shall seem meet for removing all nuisances within the bounds of the said town, for persons to remove dirt and rubbish from before their doors, to make proper drains and water courses through their lots, for pulling down all wooden chimneys already built in the said town, and preventing the building thereof, for the future, in order to prevent danger of fire. Provided, That six months notice be given to the owners of such chimneys as are already built to pull down the same, and for all other things that may tend to the improvement and advantage of the said town, so as the same be not repugnant, but as near as may be agreeable to the laws of the State.

IX. And for the continuing the succession of the said commissioners, Be it further enacted by the authority aforesaid, That in case of the death, refusal to act, or other incapacity of any of the said commissioners, the remaining commissioners, or a majority of them, shall assemble at the said town, and are hereby impowered from time to time, by instrument in writing under their respective hands and seals, to nominate and appoint some other person (being a freeholder of said town in the place of him so dying, refusing to act, or removing away, which new commissioner so nominated and appointed, shall from thenceforth have the like power and authority in all things in the matter herein contained, as if he had been expressly named and appointed in and by this Act.

CHAPTER XXVIII.

An Act to alleviate in some degree the Distressed Inhabitants of the several Counties in the District of Wilmington.

I. Whereas the invasion of Wilmington by the British troops, and their long possession of that town, hath ruined many of the inhabitants of that district, and distressed all; and as the payment of taxes for property of which they have been deprived (particularly provisions) by reason of their attachment to the cause of freedom, would be unjust and oppressive;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That as many of the good citizens of said district as have, from their steady attachment to the common cause, by being constantly employed in arms against the enemy when in this State, and been prevented from making provisions for the support of their families, shall, upon producing a certificate from their respective county courts to the commissioner of the county, be, and are

hereby exempt from the payment of their specific tax for the year one thousand seven hundred and eighty one.

CHAPTER XXIX.

An Act to amend an Act, intituled, An Act to prevent Burning the Woods.

I. Whereas the penalties in the said Act are not sufficient to answer the good purposes therein mentioned;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That every person offending against the said Act, shall forfeit and pay for every offence the sum of twenty five pounds specie to be recovered by action of debt, bill, plain, or information, to the use of the person who shall sue or prosecute for the same, and shall also be further liabel to the party injured by such unlawful fireing of the woods for all damages that may accrue therefrom.

CHAPTER XXX.

An Act to amend the several Acts passed within this State, to prevent the stoppage of the passage of Fish up the several Rivers therein mentioned.

I. Whereas the good purposes intended by the above mentioned Acts have not been answered by reason of the depreciated state of our currency, the penalty becoming inconsiderable, and the person offending against any of the said laws may procure some friend to bring suit, and thereby extricate himself from payment thereof;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That any person or persons offending against any of the said Acts, he or she so offending shall forfeit and pay the sum of fifty pounds specie, for every twenty four hours he or she shall or may offend against the said Act or Acts, to be sued for in a separate suit for each day he or she may so offend, to be recovered before any jurisdiction having cognizance thereof, by any person, who shall sue for the same, one half to the use of the person who may sue for the same, the other half to the use of the poor of the county where the plaintiff is a resident.

III. And be it further enacted by the authority aforesaid, That Neuse river shall be kept open in like manner as the other rivers mentioned in the several above recited Acts, and any person or persons offending herein, shall be liable to suffer the same penalties, and to be recovered in the same manner as other fines and penalties by this Act are directed.

CHAPTER XXXI.

An Act to Alter the time of holding several County Courts of Pleas and Quarter Sessions within the District of Morgan.

I. Whereas the days heretofore appointed for holding the said courts in the counties of Lincoln, Burke, Rutherford, Wilkes and Washington, are found inconvenient;

II. Be it therefore enacted by the General Assembly of the State of North

Carolina, and it is hereby enacted by the authority of the same, That the said county courts of please and quarter sessions, after the passing of this Act, shall be held on the following days, to wit: For Lincoln county the first Mondays in July, October, January and April; for Burke County, the third Mondays in July, October, January and April; for Rutherford County, the second Mondays in July, October, January and April; for Wilkes County, the fourth Mondays in July, October, January and April; for Washington county, the first Mondays in May, August, November and February.

III. Provided nevertheless, That where the court day directed by a former Act of Assembly shall happen in any county before the first day of July next, the justices of such county may hold such court according to the day as heretofore prescribed by law, any thing in this Act to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That every process and recognizance returnable to said courts, shall be returned on the court days by this Act appointed; and all causes depending in the said courts shall stand continued to the same days, any law, usage, or custom to the contrary, notwithstanding.

CHAPTER XXXII.

An Act to impower the Commissioners therein mentioned to Repair the Public Buildings in the Town of Hillsborough, and other purposes.

I. Whereas the buildings in the town of Hillsborough are very much out of repair, and it is found necessary for the conveniency of transacting public business that they be immediately repaired;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a tax of four pence specie be laid on each and every hundred pounds worth of taxable property within the County of Orange, and a tax of two pence specie on each and every hundred pounds worth of taxable property within the counties of Caswell, Granville, Wake, Chatham and Randolph, to be collected by the same person or persons in each of the said counties who are, or shall be appointed to collect the public taxes therein, and to be accounted for in the same manner, and under the same restrictions as other public taxes are, which said tax when collected, shall be paid into the hands of the commissioners hereafter mentioned, for the purpose of making such repairs as may be found necessary on the court house, prison and stocks, in the town of Hillsborough.

III. And be it further enacted by the authority aforesaid, That James Williams, William M'Cawley, Thomas Fermer, William Moore, John Butler, and Alexander Mebane, shall, and they are nominated and appointed commissioners, and they, or a majority of them, are hereby fully impowered and authorized to contract or agree with workmen for the repairing of the said public buildings in the town of Hillsborough aforesaid.

IV. And be it further enacted by the authority aforesaid, That the said commissioners before entering on their said trust, or receiving any monies by virtue thereof, shall give bond with good and sufficient security, to the justices of the inferior court of the County of Orange, in the sum of two hundred pounds specie, for duly performing the trust by this Act reposed in them.

V. And be it further enacted by the authority aforesaid, That in case

there shall remain in the hands of the commissioners aforesaid any money so collected for the above purposes, that the same shall be paid into the hands of the justices of the county of Orange, by them to be accounted for and paid to the justices of the several courts from whom the same was collected, in proportion to the sum collected out of each county respectively, by them to be applied to the discharge of the contingent charges of their respective counties.

VI. And be it further enacted by the authority aforesaid, That every freenolder of the town of Hillsborough, residing in this State, shall within the term of five months after the passing of this Act, pave six feet wide of the street in full front of his lot with good brick or stone, and inclose the same with strong posts and rails; and in case any freeholder of said town of Hillsborough shall refuse or neglect to pave and enclose with posts and rails the street in front of his lot as above directed, shall pay the sum of twenty pounds specie, to be recovered by warrant under the hands and seals of the commissioners, or a majority of them, that shall be hereafter nominated and appointed by this Act, directed to any person they shall appoint to collect the same, which collector is hereby impowered to collect, and make distress in like manner as other collectors of public or county taxes are impowered by law, and the money arising therefrom, after deducting five per cent. commissions, shall be by him paid into the hands of the commissioners of said town, and to be by them applied to keeping the streets in good repair.

VII. And be it further enacted, by the authority aforesaid, That William Hooper, James Hogg, John Estis, William Courtney, John Shields, Benjamin Leonard, and John Taylor, are hereby nominated and appointed commissioners for the town of Hillsborough, and shall have full power and authority to act and do everything that former commissioners for said town lawfully might do, or have done, and keep the streets in good repair and order, and to appoint an overseer of the streets, who shall have full power to summons the inhabitants of the said town to work on the streets at any time when it may be necessary, and in case the said overseer shall neglect to keep the streets in good repair, or in case any inhabitant of said town, who after being summoned by the overseer, shall refuse or neglect to work on the said streets, he or they shall forfeit and pay the sum of twenty shillings specie, to be recovered as before mentioned in this Act, and paid into the hands of the commissioners of said town, to be applied towards keeping the said streets in order, or in case any of the said commissioners should die, neglect, or refuse to act, or remove away, it shall and may be lawful for the freeholders of said town to assemble and elect another or others, and he or they so elected shall be invested with the same power and authority as those nominated and appointed by this Act.

CHAPTER XXXIII.

An Act to encourage Caleb Grainger to build a Bridge over Smith's Creek, at the place where the late bridge stood in Hanover County.

I. Whereas a bridge over Smith's Creek at the place where the late bridge stood would be convenient for travellers, and productive of much public good, and Caleb Grainger being desirous of building one there at his own expence, on condition of having the benefit thereof for the space of twenty-five years;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said Caleb Grainger, his heirs, executors, administrators or assigns, to erect and build a good substantial bridge over Smith's Creek at the place aforesaid, and after building a bridge as aforesaid, it shall and may be lawful for the said Caleb Grainger, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon, and take and receive from all persons that pass over the same the following rates, that is to say, for every footman two pence, for every man and horse four pence, for every horse and chair one shilling, for every four wheeled riding carriage including the horses drawing the same two shillings, for every cart eight pence, for every waggon one shilling and four pence, for every led horse or work ox two pence, for every head of neat cattle one penny, for every head of hogs or sheep one half-penny.

III. And be it further enacted by the authority aforesaid, That after the said bridge is built and compleated as aforesaid (provided the said bridge shall be so done within two years after the passing this Act) it shall not be lawful during the time the said bridge is kept in repair and fit for travellers and carriages to pass and repass over the same, for any person or persons whatsoever to keep any ferry, build any bridge, or set any person or persons, carriage or carriages, cattle, hogs or sheep, over the said creek for fee or reward, within two miles of the same, during the term aforesaid, under the penalty of twenty shillings specie for each and every offence, to be recovered by warrant by the said Caleb Grainger, his heirs, executors, administrators or assigns, before any justice of the peace for the county of New Hanover, to be applied to the use of the proprietor of the bridge built by the said Caleb Grainger, and during the said time the right and property of the said bridge is hereby vested in the said Caleb Grainger, his heirs, executors, administrators and assigns.

IV. And be it further enacted by the authority aforesaid, That when the aforesaid bridge shall be built, the aforesaid Caleb Grainger, his heirs, executors, administrators or assigns, shall keep the same in good order and fit for passing over, during the time aforesaid.

V. Provided nevertheless, That no toll shall be demanded or received for public wagons carrying public stores or supplies for the use of the army, or any detachment thereof, or for any troops, and all persons having occasion to attend general or private musters, or the annual or other elections for members of the General Assembly.

CHAPTER XXXIV.

An Act to appoint Commissioners for fixing on a place within the County of Anson, to build a Court House, Prison and Stocks, and other purposes therein contained.

I. Whereas two of the commissioners appointed by an Act of Assembly passed at Halifax, one thousand seven hundred and seventy nine, are removed away from said county, and three of them are under suspension; and whereas the inhabitants of the eastern part of said county are dissatisfied with the place appointed for the public buildings of said county, the center of said county not being certainly found;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That

Edmund Lelly, John Dejernett, Stephen Tomkins, Theodorick Webb, and John Rea, be appointed commissioners in the room and stead of the commissioners appointed by the before recited Act, and the said commissioners, or a majority of them, are hereby required and directed to employ a surveyor to find the center of the said county as near as may be, at the expence of said county, and if the land purchased by the former commissioners for the uses aforesaid, should appear not the nearest or suitablest place to the center of the said county that can be found, then and in that case, the said commissioners, or a majority of them, shall sell the land purchased by the former commissioners for the use of the county, and purchase fifty acres of land suitable to fix the public buildings of said county, or as near to the center of said county as such convenient place can be found.

III. And be it further enacted by the authority aforesaid, That a tax of four pence specie be laid on each hundred pounds value of taxable property in said county, and also a tax of four pence specie on each person liable to pay taxes, who is not possessed of taxable property to the value of one hundred pounds in said county, for two years, in addition to the tax already laid for building a court house, prison and stocks, in said county; and the commissioners hereby appointed are impowered to call on the sheriffs, or former commissioners, for any money that may be in their hands, and the commissioners hereby appointed are directed to agree and contract with workmen to build a court house, prison and stocks, for the use of the County of Anson, at such place agreed on by a majority of said commissioners.

IV. And be it further enacted by the authority aforesaid, That every part of the aforesaid, recited Act that comes within the meaning of this Act, be hereby repealed.

V. And whereas the keeping up companies of light horse in many of the counties of this State is found to be burthensome to the good people thereof, and of no public utility; Be it therefore enacted by the authority aforesaid, That from and after the passing of this Act, it shall not be lawful for the colonel or commanding officer of any county within this State to permit any company of light horse to be raised or kept in such county, unless by the express order and direction of the brigadiers general of such district, who are hereby enjoined not to permit the raising any such companies, unless it shall appear to them absolutely necessary.

VI. And be it further enacted by the authority aforesaid, That the several county courts in this State be, and are hereby impowered to lay annually a further tax on the inhabitants of their respective counties, not exceeding one shilling specie on every hundred pounds value of their taxable property, and a poll tax not exceeding one shilling, on all such as are liable to pay a poll tax for defraying the contingent charges of the said respective counties, the erecting or repairing public buildings excepted.

CHAPTER XXXV.

An Act for appointing Commissioners to fix a place to build a Court House, Prison and Stocks, in the County of Wayne, and for other purposes.

I. Whereas the commissioners heretofore appointed by Act of Assembly for fixing on a place to build a court house, prison and stocks, in the County of Wayne, have failed to discharge the trust reposed in them;

II. Be it therefore enacted by the General Assembly of the State of

North Carolina, and it is hereby enacted by the authority of the same, That Stephen Cobb, Needham Whitfield, and Joseph Pipkin, be, and they are hereby appointed commissioners for the purposes aforesaid, and that they, or a majority of them be, and they are impowered and required to agree and contract for three acres of land in said county, as near the center of said county as they shall think convenient, and also to contract with workmen to build a court house, prison and stocks, on the same.

III. And be it further enacted by the authority aforesaid, That the said commissioners herein named shall have, and they are declared to have full power and authority to demand, sue for, recover and receive of and from the present sheriff of the said county, or any other person in whose hands the same may be lodged, all and every sum or sums of money which have been laid as a tax on the inhabitants of said county for the purposes aforesaid, for which the sheriff or other person, or any of them, are liable; and in case of failure or neglect in paying the said monies to the commissioners as aforesaid, the said sheriff, or other person, or any of them, he or they so failing or neglecting, shall be liable to the same penalties, and the same mode of recovery shall be had against him or them, as by law shall or may be had against sheriffs who neglect or refuse to account for and pay public taxes.

IV. And be it further enacted by the authority aforesaid, That a further tax of one shilling on every hundred pounds value of taxable property, and a proportionable poll tax be laid on the inhabitants of the said county for the years one thousand seven hundred and eighty two and one thousand seven hundred and eighty three, for the purpose of purchasing the said land and erecting the public buildings aforementioned thereon, which tax, laid as aforesaid by virtue of this Act, shall be collected and accounted for by the collectors and sheriffs of said county, and on neglect of the collector or sheriff of the said county to account for and pay the same to the commissioners herein before named, or their successors, he or they shall be liable to the same pains and penalties, and the same mode of recovery shall be had against him or them, as by law may be had against taxgatherers or sheriffs who neglect or refuse to account for and pay public taxes.

V. And be it further enacted by the authority aforesaid, That that part of an Act of the General Assembly passed for appointing commissioners to fix on the place for public buildings for said County of Wayne, be, and is hereby repealed and made null and void.

VI. And whereas the tax laid on the inhabitants of Dobbs County, for building a court house, prison and stocks, in the said county, is insufficient to answer those purposes: Be it therefore enacted by the authority aforesaid, That a further tax of one shilling in the hundred pounds of taxable property, and a proportionable poll tax, be laid on the inhabitants of the said County of Dobbs for the year one thousand seven hundred and eighty two, and one thousand seven hundred and eighty three, for the purposes of compleating and finishing the said public buildings of the said county, which taxes shall be collected and accounted for in the same manner as the taxes heretofore laid for erecting the said buildings, and the collectors and sheriff of the said county subject to the same penalties, forfeiture and recovery, for neglect of their respective duties in this particular, as directed by law for not collecting and accounting for the said former taxes.

VII. And be it further enacted by the authority aforesaid, That if there

shall be more money collected and paid into the hands of the said commissioners respectively of said counties, or either of them, by virtue of this Act, than may be sufficient for the purposes aforesaid, the said commissioners shall pay such surplus money to their respective county courts, which money shall be applied towards defraying the contingent charges of such counties.

CHAPTER XXXVI.

An Act to vest in Frederick William Marshall, Esquire, of Salem, in Surry County, the lands of the Unitas Fratrum, in this State, for the use of the said United Brethren, and other purposes.

I. Whereas Frederick William Marshall, Esquire, of Salem in Surry County, hath made it appear to this General Assembly that all the tracts of land in this State belonging to the lord advocate, the chancellor and the agent of the Unitas Fratrum, or United Brethren, have been transferred to him from the former possessors, in trust for the Unitas Fratrum, or United Brethren; and whereas doubts have arisen whether the said tracts do not come within the description of the confiscation Act; and to quiet the minds of those to whom conveyances have been made, or are to be made, of any part or parts thereof;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a certain deed of lease and release, dated the twenty seventh and twenty eighth of October, one thousand seven hundred and seventy eight, from James Hutton, conveying the tract of Wachovia, in Surry county, to said Frederick William Marshall, be hereby declared valid in law, and to be admitted to probate in the county of Surry, and registered in the register's office thereof, agreeable to the testimonials thereunto appertaining; and that all lands which by a deed of bargain and sale of the twentieth of April, one thousand seven hundred and sixty four, between William Churton and Charles Medcalf, registered in the County of Orange, in book number one, page one hundred and six, and in Rowan County, in book E, number five, page four hundred and fifty two, &c. were then conveyed to said Charles Medcalf, be hereby vested in the said Frederick William Marshall in trust as aforesaid: and all conveyances of the above mentioned lands, or any of them, made, or which shall be made by the said Frederick William Marshall, shall be as good and valid to all intents and purposes as if the confiscation Act had never passed.

III. And be it further enacted, by the authority aforesaid, That the power of attorney of Christian Frederick Cossart, dated the third of November, one thousand seven hundred and seventy two, impowering said Frederick William Marshall to sell his lands, be admitted to probate and registry in the County of Wilkes, and be as good and valid in law as it could or might has been, had the Act of confiscation never passed.

CHAPTER XXXVII.

An Act to vest the title of a certain Tract of Land in Robert Cummins.

I. Whereas it hath been made appear to the satisfaction of the General Assembly, that Robert Cummins, of Guilford County, did purchase of a cer-

tain Archibald and John Hamilton, a certain tract of land in the county aforesaid, on the waters of Reedy Fork, containing two hundred and twelve acres, and bounded as follows, viz. beginning at a white oak, corner to the land of Edward Gilbert, running thence on his line west twelve chains and seventy five links to a white oak sapling, thence north fourteen chains and a half to a post oak, thence east, crossing Buffalow, sixty nine chains to a white oak, thence south thirty four chains and a half to a white oak, thence west fifty six chains and twenty five links to a white oak sapling, thence north crossing the Buffalow to the beginning twenty chains; and the said Robert Cummins having paid part of the purchase money, and taken bond of the said Archibald and John Hamilton, conditioned for the making to the said Cummins a good title in fee simple in and to the said land; and whereas the said Archibald and John Hamilton afterwards and before any legal title could be obtained from them for the land aforesaid, did withdraw themselves from this State and did attach themselves to the enemies of the United States, whereby all their lands and tenements, goods and chattels, are become forfeited to this State, and it being reasonable that the said land as aforesaid, purchased of them by the said Robert Cummins, be protected from confiscation and secured unto him;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That James Martin, John Peasly and John Gillispie, commissioners of confiscated property in the said county of Guilford, they or any two of them receive whatever part of the purchase money is due by the said Cummins in specie, provided the same be tendered within six months, and that thereupon the said commissioners, or any two of them, be authorized and impowered to make and execute unto the said Robert Cummins a good and sufficient deed of conveyance, to him, his heirs and assigns, for the said land, all which proceedings, at the proper cost and charges of the said Robert Cummins, when had and done, shall be deemed sufficient in law to vest in him all the right and title which this State hath, or may have acquired, in and to the same, by confiscation, forfeiture or otherwise, any law to the contrary notwithstanding.

CHAPTER XXXVIII.

An Act to confirm a certain Patent therein mentioned.

I. Whereas it appears that a patent was obtained from government by John Ward, for six hundred and forty acres of land in Beaufort County, now Dobbs and Pitt Counties, on both sides of Little Contentney creek, on the eighteenth day of November, in the year of our Lord one thousand seven hundred and forty four, which tract of land hath been ever since quietly and peaceably possessed by the said John Ward, and others claiming under him by purchase or devise, and although the said patent hath been recorded, and enrolled in the proper offices, yet it does not appear to have been signed by the Governor, from which circumstance some doubts have arisen respecting the validity thereof;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said patent for six hundred and forty acres of land, granted to the said John Ward, deceased, as aforesaid, lying in the Counties of Dobbs and Pitt, situate on both sides of Little Contentney, beginning at a pine on the south

side of Little Contentney,running east three hundred and twenty pole, through the swamp to a pine, thence north three hundred and twenty pole to an oak, thence west three hundred and twenty pole to a pine, thence south three hundred and twenty pole to the first station, be hereby confirmed, ratified, and made valid in law, and the said six hundred and forty acres of land vested in the devisees and assignees of the said John Ward, their heirs and assigns forever, regard being had to their respective proportion.

CHAPTER XXXIX.

An Act for establishing the Copy of a Deed therein mentioned.

I. Whereas it hath been made to appear to the General Assembly that William Heritage, late of Craven County, Esquire, did sell certain lands lying in Craven County, in this State, to William Lister, late of the said county, deceased, and that the said William Heritage did, in due form convey the said lands by deed of bargain and sale under his hand and seal, dated the twenty eighth day of March, in the year of our Lord one thousand seven hundred and forty eight, to Phoebe Lister and Mary Lister, the surviving and only heirs of the said William Lister, and that the said deed from unavoidable casualties has not been registered, although it hath been duly proved agreeable to law, and since lost; and as Richard Nassau Stephens, husband to Mary Stephens, now sole surviving heir of the said William Lister, hath obtained and produced to the General Assembly a paper purporting to be a true copy of the aforesaid deed from William Heritage, to Phoebe and Mary Lister, for the following lands, to wit. All that messuage or tenement, lot or half acre of ground, situate lying and being in the town of Newbern, in Craven County, in this State, which is known and distinguished by number fifty one, lying on the south side of the lot commonly known by the name of the church lot, together with the said church lot, with all the houses, edifices and buildings, whatsoever thereon standing; and also two tracts of land lying in Craven County on the north side of Trent river, the one tract bounded as followeth, viz. Upon Lawson's branch beginning at two red oaks, the upper corner trees of Richard Elliott's land, and running thence north forty five degrees east eighty four pole, thence north twenty nine west twenty pole, thence west one hundred pole, thence south sixty west fifty six pole to a pine, thence south seventy eight west one hundred and sixteen pole to a pine, thence north sixty west one hundred and forty six pole to a pine, thence south forty three west forty three pole to a pine, thence south thirty three east ninety two pole, thence south sixty east, two hundred and seventy one pole to a pine, thence north forty two east seventy one pole, thence north sixty eight east ninety four pole to a red oak by the side of a branch, branching from Lawson's branch, commonly called the School-house branch, thence with a straight line to the beginning, containing three hundred and twenty six acres: And one other tract of land on the same side of Trent river, a mile above Newbern, beginning at a white oak, a corner tree of Cullen Pollock's lands, thence south fifty degrees west one hundred and sixty pole to a red oak, thence south forty east two hundred pole to a pine, thence north fifty east one hundred and sixty pole to a cypress, thence to the first station, containing two hundred acres of land; and the said copy of a deed for the before recited lands, signed with the name of William Heritage, and attested by John Wright, John Rice, and Richard Lovick, bearing date the twenty eighth day of March, in the year

of our Lord one thousand seven hundred and forty eight, and the probate thereof as attested by E. Hall, the then chief justice, having been made appear to the satisfaction of the General Assembly to be the true, absolute, and exact copy of the beforementioned original deed of sale;

Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the register of the county of Craven, and he is hereby required, on application of the said Richard Nassau Stephens, or any other person on behalf of the said Mary Stephens, to cause the before recited copy of a deed to be registered in the register's office of said county, and the said copy is hereby declared to be good and valid in law and equity, and shall forever hereafter be deemed and considered as an original deed of bargain and sale, for all and every the lands therein mentioned, any law, usage or custom, to the contrary notwithstanding.

CHAPTER XL.

An Act to vest in John Hay the property of certain lands in Duplin county.

I. Whereas it was resolved by an assembly held at New Bern, in the month of April, one thousand seven hundred and eighty, that a law, vesting in John Hay, his heirs and assigns, two thousand eighty three and one third acres, part of a survey of land patented by the late Governor Dobbs, containing six thousand acres, more or less, in Duplin county, and bounded to the southward and eastward by the six runs, and Alexander Stewart's survey, &c., to the northward and westward by John Sampson's and Smith's lands, should pass: To carry which resolve into effect,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Dixon, James Kenan and James Moore, be, and are hereby appointed commissioners, who shall cause to be surveyed and laid off unto said John Hay, in as small a number of surveys as is practicable, two thousand and eighty three acres and one third of an acre of said land, in such manner as to them, or any two of them, may appear just.

III. And be it further enacted by the authority aforesaid, That the surveyor shall make two sets of plots of his surveys, one copy of which he is to deliver to the said John Hay, and the other into the register's office of Duplin county, there to be recorded by the proper officer, which record shall be expressed to be made pursuant to this Act.

IV. And be it further enacted by the authority aforesaid, That the Sheriff and commissioners of confiscated property for Duplin county, or either of them, shall, and they are hereby directed to give to John Hay aforesaid, entry and possession of all and every part of the aforesaid two thousand eighty three and one third acres, to have and to hold the same by himself, his heirs and assigns for ever, against all persons whatsoever claiming otherwise than under Arthur Dobbs aforesaid.

CHAPTER XLI.

An Act for erecting a Prison in the County of Bertie, and finishing the Court House.

I. Whereas the prison of the County of Bertie hath been burnt, and it is necessary that a new one should be built for the use of said county;

II. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That William Gray, David Stanly, Richard Dawson, and David Turner, or any three of them be, and are hereby nominated and appointed commissioners, trustees or directors, and in case of the death, incapacity, refusal to act, or removal of any of the said commissioners, trustees or directors, the court of the said county is hereby directed to appoint others to act in their stead, for building and erecting a good and sufficient prison for the use of the county aforesaid, and for that purpose to contract and agree with proper persons for compleating and finishing the said prison in such manner as they shall think convenient.

III. And be it further enacted by the authority aforesaid, That a tax of eight pence specie be levied on each hundred pounds value of taxable property, including poll taxes, within the county of Bertie aforesaid, for the year one thousand seven hundred and eighty two, to be collected by the same person or persons, and in the same manner as other taxes are collected within said county, and accounted for and paid to the said commissioners, trustees and directors, at the same time, and in the same manner, and under the like penalties and restrictions as by law is directed for collecting, accounting for and paying public taxes.

IV. And be it further enacted by the authority aforesaid, That before the said commissioners, trustees or directors, shall enter upon their said trust, or take into their hands any of the monies aforesaid, they shall enter into bond in the sum of five hundred pounds specie, payable to the justices of the county court of said county, with condition for the faithful discharge of the trust in them reposed by this Act.

V. And be it further enacted by the authority aforesaid, That if the monies arising by virtue of this Act be more than sufficient to compleat the building hereby directed, the surplus thereof shall be paid by the said commissioners, directors or trustees, to the county court of the said county, by them to be applied towards finishing the court house thereof.

VI. And whereas the court house of the said county remains unfinished; Be it therefore enacted by the authority aforesaid, That a tax of six pence specie on each hundred pounds value in said county be levied for two years, and be collected by the county collector or collectors in the same manner as other taxes are collected and paid the commissioners appointed by law for building the said court house to be applied towards finishing the same; and the commissioners are hereby fully impowered and authorized to settle with the person by them formerly contracted with to build said court house, and pay him so much as may appear on such settlement due to him, with the current depreciation thereof, and may either continue him on his former contract or discharge him from the same and agree with some other person or persons as they shall think proper to finish the said court house, and in case any of the said commissioners should die, refuse or neglect to act, it shall and may be lawful for the justices of the inferior court of said county to appoint other commissioner or commissioners in their room, who shall be invested with the same powers and authorities that the others were by law invested with, and shall give bond as is by the said law directed; and if the above tax when collected shall amount to more than will be sufficient to finish the said court house, the surplus shall be paid into the hands of the justices of said county, and applied towards defraying the contingent charges of the said county.

CHAPTER XLII.

An Act to amend an Act, intituled, An Act for dividing Edgecombe county, and for other purposes therein mentioned.

I. Whereas the provision made by the aforesaid Act for reimbursing the commissioners the money they shall expend in erecting the public buildings in Nash county is found inadequate thereto: For remedy whereof,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That there shall be a tax of one shilling on the hundred pounds levied on all the taxable property of the inhabitants of the said county, and a tax of one shilling on all persons of full age not having property to the value of one hundred pounds, for two years, and that the same shall be collected in the same manner, and under the same rules and penalties, as other taxes in this State are, and shall be paid into the hands of the commissioners already appointed for building the said court house, prison and stocks.

III. And be it further enacted by the authority aforesaid, That the said commissioners shall account with their county court for all monies received by them in virtue of this Act, and if any surplus shall remain after the public buildings are finished, the same shall be applied by the said county court towards defraying the contingent charges of the said county.

CHAPTER XLIII.

An Act for levying a further tax of One Shilling on every Hundred Pounds value of taxable property in the county of Jones, for defraying the expence of compleating the public buildings thereof.

I. Whereas by an Act of the General Assembly passed at Halifax, in the year of our Lord one thousand seven hundred and seventy-nine, intituled, An Act for dividing Craven county into two distinct counties, and for other purposes therein mentioned, it was enacted that all that part of the county of Craven which lies above, or westward of a certain line mentioned in the said act, should be established a new and distinct county by the name of Jones; and whereas by the before recited act a tax of three shillings in every hundred pounds value of taxable property in the said county of Jones, and a poll tax of three shillings on all persons in the said county who have not taxable property to the value of one hundred pounds, was levied for the purpose of purchasing five acres of land in the said county, and for building thereon a court house, prison and stocks, for the use of the said county, which tax from the rapid depreciation of paper currency, has been found insufficient to answer that purpose;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a further tax of one shilling specie be levied on every hundred pounds value of taxable property in said county, and a poll tax of one shilling specie upon all free men of said county who have not taxable property to the value of one hundred pounds, for one year, for the purpose of enabling the commissioners named in the before recited Act to compleat the said buildings, and that the said tax shall be collected and accounted for with the said commissioners in the same manner as all other public taxes in this State are collected and accounted for; and in case the before recited tax shall be more than sufficient to compleat the said buildings, the commissioners shall settle for and pay the same to the justices of the said county of Jones,

which shall be applied towards defraying the contingent charges of the said county.

CHAPTER XLIV.

An Act for levying a further Tax of one shilling on every Hundred Pounds value of taxable Property in the county of Cambden, for defraying the Expenses of compleating the Public Buildings thereof.

I. Whereas by an Act of the General Assembly passed at New Bern in April, one thousand seven hundred and seventy seven, intituled, An Act for dividing the county of Pasquotank, and establishing that part thereof on the northeast side of Pasquotank river a county by the name of Cambden, it is enacted, that a tax of two shillings and eight pence be laid on each taxable person in the said county for three years, to enable the commissioners of said county to build a court house, prison and stocks therein, which tax from the rapid depreciation of our present currency hath been found far inadequate to the completion of said buildings.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a further tax of one shilling specie be laid on every hundred pounds value of taxable property in the said county of Cambden, for five years, for finishing a court house, prison, and stocks therein, which tax shall be collected and accounted for in the same manner as is directed by the before recited Act.

CHAPTER XLV.

An Act for adding part of Burke county to Lincoln, for appointing Commissioners for the purpose therein mentioned, and for laying a Tax to compleat the Public Buildings therein.

I. Whereas it hath been represented to the assembly by the inhabitants living in the southeast part of Burke county, that they labour under great hardship in attending on courts and other public meetings in the said county, from their remote situation from the court house, and have prayed to be added to the county of Lincoln;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That a line shall be run as follows, viz.: Beginning at Sharrel's ford, running with the road leading towards Henry Whitners, as far as Matthew Wilson's, thence a direct course to Simon Horse's, on the waters of Clark's Creek, thence a direct course to the Fish-Dam ford of the south fork of the Catawba river, between James Wilson and David Robinson, and from thence a southwest course to Earl Granville's old line, and that all that part of Burke county lying southeast of the line above described shall henceforth be taken off from Burke, and shall be added and remain to Lincoln county.

III. And be it further enacted by the authority aforesaid, That David Vance and John Karuth be, and are hereby appointed commissioners for running the said dividing lines, and that Daniel M'Rissick, Henry Thomson, James Lyttle, John Dickson, John Wilson, John Karuth, Frederick Hamright and Nicholas Friday, be appointed commissioners for affixing a place for the court house and other public buildings in the said county of Lincoln as nearly central as may be, and purchasing lands whereon to erect said

buildings, and for contracting with workmen to build and compleat the same.

IV. And be it further enacted by the authority aforesaid, That a tax of six pence specie on every hundred pounds value of taxable property in the said county of Lincoln shall be, and is hereby laid, and the same shall be collected and accounted for by the several collectors of the public taxes for the year one thousand seven hundred and eighty two, and the same sum for the year one thousand seven hundred and eighty three, and the said taxes shall be paid by the said collectors into the hands of the commissioners in this Act appointed to erect the public buildings.

CHAPTER XLVI.

An Act to amend an Act, intituled, An Act for dividing Tryon County, and other purposes.

I. Whereas the commissioners apppointed by an Act of the General Assembly in the year one thousand seven hundred and seventy eight intituled, An Act for dividing the County of Tryon, and to lay out and settle the place where to erect the court house, prison and stocks, for the County of Rutherford, have not complied with said Act; and whereas by a resolve of the General Assembly of Wake County in June, one thousand seven hundred and eighty one, John Earl, Robert Porter, William Whitside, James Miller, of Rutherford County, and William Morrison, Esq., of Burke County, were appointed commissioners to lay out and fix the place for the court house, prison and stocks, in said county, and the said commissioners having settled and agreed that the public buildings be erected on the land of James Holland, in the fork of Sheppard's Creek;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That John Earl, Robert Porter, William Whitside, James Miller and Andrew Hampton, are hereby appointed commissioners, and that they, or a majority of them, are hereby invested with full power and absolute authority to purchase fifty acres of land from James Holland, for the purpose of building a court house, prison and stocks, which at some future day may be laid off into a town, and they, or a majority of them, are hereby impowered and directed to employ workmen to build the court house, prison and stocks, in said county, for the use thereof.

III. And be it further enacted by the authority aforesaid, That a tax not exceeding one shilling specie shall, for the years one thousand seven hundred and eighty two, and one thousand seven hundred and eighty three, be levied on every hundred pounds value of taxable property in said county, and a poll tax not exceeding one shilling specie on every free man whose property does not exceed eighty pounds value, for the purpose of building said court house, prison and stocks, which tax shall be collected at the same time, and in the same manner that other public taxes are collected, and shall be paid to the persons who shall be impowered and appointed to receive the same; and if any surplus should arise from said tax, it shall be paid by said commissioners to the county court of said county, to be by them applied towards defraying the contingent charges of said county.

IV. And be it further enacted by the authority aforesaid, That the commissioners by this Act appointed are hereby invested with all the other powers and authorities with which the commissioners were invested by the before recited Act.

CHAPTER XLVII.

An Act to oblige the Inhabitants of Bladen county to attend Public Meetings With their Arms.

I. Whereas it is represented to this General Assembly that from the large number of disaffected persons living in said county, and joined by a considerable number of the disaffected persons in South Carolina, it is dangerous for the good citizens of said county to attend meetings without their arms, &c.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act all persons attending the county courts, elections, and all other public meetings in the said county be, and they are hereby required to bring their guns, and at least six rounds of ammunition, to repell the enemy in case they should attempt to surprise the good citizens of said county, when in discharge of the injunctions of the laws of the State.

III. And be it further enacted by the authority aforesaid, That each and every person liable to attend public duties in said county as aforesaid, neglecting or refusing to bring their guns, and at least six rounds of ammunition as aforesaid, shall forfeit and pay for each and every offence ten shillings specie, to be recovered by warrant from under the hand and seal of the commanding officer of said county, by any person who shall sue for the same, and applied to his own use.

Read three times and ratified in General Assembly, the twelfth day of May, anno domini 1782.

RICHARD CASWELL, S. S.
THOMAS BENBURY, S. C.

LAWS OF NORTH CAROLINA, 1783.

At a General Assembly begun and held at Hillsborough, on the eighteenth day of April, in the year of our Lord, one thousand seven hundred and eighty three, and in the seventh year of the Independence of the United States of America: Being the first Session of this Assembly. *Alexander Martin, Esq.*, Governor.

CHAPTER I.

An Act for emitting One Hundred Thousand Pounds in Paper Currency, for the purposes of government for seventeen hundred and eighty three, for the redemption of paper currency now in circulation, and advancing to the Continental officers and soldiers part of their pay and subsistance, and for levying a tax, and appropriating the confiscated property for the redemption of the money now to be emitted.

I. Whereas the necessity for money for the purposes aforesaid, is indispensable; Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That one hundred thousand pounds be emitted in paper bills of credit, on the faith and credit of this State, in bills of the following denominations, to-wit: Twenty thousand bills of forty shillings each, forty thousand bills of twentty shillings each, twenty thousand bills of ten shillings each, twenty thousand bills of five shillings each, forty thousand bills of two shillings each, ten thousand bills of one shilling each, and twenty thousand bills of six pence each; that the same be printed in a printing press, and that John Geddie and James Gillispie be appointed commissioners to superintend the press and number the bills; and that John Hunt and Benjamin McCulloch be appointed commissioners to sign and deliver the same to the public treasurers, to be by them applied as hereafter by this Act directed.

II. And be it further enacted by the authority aforesaid, That the general form of the bills hereby directed to be emitted, shall be as follows, to wit: "This bill of ——— shillings shall be a tender in all payments whatever, agreeable to Act of Assembly passed at Hillsborough, the seventeenth day of May, Anno Domini, seventeen hundred and eighty three." And such bills shall be impressed and printed, the whole of them, on thin paper of the same fabrication, both in the face and the reverse thereof, on the edges as well as the body thereof, with divers letters, marks, devices and words, which may be difficult of imitation, and which in the opinion of the said superintendants, may most effectually secure the same from attempts to counterfeit.

III. And be it further enacted by the authority aforesaid, That each pound of the emission aforesaid shall be deemed and held equal to two and an half Spanish Milled Dollars, and shall be a tender in all payments whatever.

IV. And be it further enacted by the authority aforesaid, That each and every person appointed by this Act to superintend the press, number, sign, and pay the bills into the public treasury, shall take an oath well and truly to execute the duties, and discharge the trust by this Act required; and each and every one of them shall enter into bond to the Governor for the time being, with sufficient security, to be by him approved, in the sum

of one hundred thousand pounds, for the faithful and due performance of the duties by this Act required.

V. And be it further enacted by the authority aforesaid, That each and every commissioner for superintending the press, and numbering or signing, and paying into the public treasury, shall receive twelve shillings for every thousand bills by them signed or numbered, and delivered into the public treasury, to be paid out of the money by them paid into the public treasury.

VI. And be it further enacted by the authority aforesaid, That the commissioners by this Act appointed shall be, and are impowered to purchase paper and materials, and to employ a printer to print the said bills, and may draw on the treasury into which the aforesaid bills shall be paid, for the money necessary for the same, and their drafts shall be admitted as vouchers in the settlement of the treasurers' public accounts.

VII. And be it further enacted by the authority aforesaid, That the superintendants of the press, as soon as they have struck the sum of money hereby directed to be emitted, shall break and destroy, or cause to be broken or otherwise destroyed, such types, dies, or other emblems, as they shall have used in printing and impressing the same.

VIII. And be it further enacted by the authority aforesaid, That whoever shall by printing, writing, engraving, or by any ways and means counterfeit any of the said bills of credit, emitted by virtue of this Act, or any part, word, letter, name, emblem or device of the same, or shall make or construct any die, press, type, or other instrument for emitting or counterfeiting any of the said bills, or any part, letter, name, emblem or device thereof, except by authority of law, (or in case where such may be signed in order to bring suspected persons to justice) or shall alter or deface any of the said bills with intention to change the value and denomination thereof, or shall knowingly pass or utter any counterfeit likeness of any of the said bills, being thereof lawfully convicted by confession or verdict, or on arraignment on trial shall stand mute, or challenge peremptorily more than thirty-five jurymen, every such person shall be subject to, and suffer the same pains and penalties as are provided by an Act passed at Halifax, in the year seventeen hundred and seventy nine, intituled, An Act for punishing persons concerned in any of the several species of counterfeiting in this State.

IX. And be it further enacted by the authority aforesaid, That if any commissioner appointed by this Act to sign the said bills of credit, or superintend and number the same, shall die, refuse to act or resign, remove or become disabled or disqualified, it shall and may be lawful for the Governor to appoint one in his stead, and such commissioner shall give bond, and be subject to the same rules and regulations as commissioners appointed by this Act.

X. And be it further enacted by the authority aforesaid, That the treasurer of the district wherein the money shall be struck, shall attend upon notice from the commissioners, at the place where the same may be impressed and signed, for the purpose of receiving it, and shall be allowed for every thirty miles he shall travel in going to, and returning from such place, and for every day's attendance for that purpose, the sum of twenty shillings.

XI. And be it further enacted by the authority aforesaid, that the bills of credit to be emitted in virtue of this Act, shall be impressed, signed and numbered, at Halifax town.

XII. And be it further enacted by the authority aforesaid, that the treasurer to whom the commissioners before named shall pay the money emitted by virtue of this Act, is hereby directed and required to pay the same out of

the treasury for the purposes, and in manner hereafter mentioned, and for no other purposes or manner; that is to say, to the warrant of the commissioners for the paper and printing; to the warrant of the Governor for the allowance of the commissioners for superintending the press, numbering, signing, and delivering the bills into the public treasury; to the order of the General Assembly for allowances given to their members and officers for their attendance and service; and to the warrant of the Governor for the salary or allowance of the civil list, for their services performed, or to be performed; all such allowances to be for services performed in the year seventeen hundred and eighty-three, and for no other time preceeding.

XIII. And be it further enacted by the authority aforesaid, that the several district treasurers respectively, shall have and receive from the treasurer of Halifax district, the sum of two thousand five hundred pounds out of the monies to be emitted in virtue of this Act, to be by them applied to the express purposes mentioned in this Act, and to no other use or purpose whatsoever; and the said treasurer of Halifax district is hereby required to deliver the aforesaid sum to the other district treasurers or their orders respectively; and the sum of seventy-two thousand pounds to pay into the hands of Willie Jones, Henry Montfort and Benjamin McCulloch, esquires, who shall respectively give bond, with good and sufficient security, payable to the Governor for the time being, in the sum of fifty thousand pounds, for the faithful application of the said monies to the purposes appointed by this Act to be by them paid to the Continental officers and soldiers of this State, in part discharge of the arrears due them, in such manner as shall be directed hereafter, any law, usage or custom to the contrary, notwithstanding.

XIV. And be it further enacted, by the authority aforesaid, that any officer or soldier who is, or hath been, of the continental line of this State, and have demands against the same for services, shall be intitled to have and receive from the commissioners aforesaid, out of the monies emitted by virtue of this Act, the one fourth part of the balance which on a settlement with the commissioners appointed for that purpose, shall appear to be justly due and owing to such officer or soldier respectively; and the said commissioners are hereby authorized and required to grant to each of the officers and soldiers aforesaid, one or more printed certificates under their hands, for the balance which on a full settlement shall be due in specie, which certificates so issued, shall bear an interest of six per cent. per annum, until paid, from the date thereof.

XV. And be it further enacted, by the authority aforesaid, that for the year seventeen hundred and eighty-three, a tax of three pence for each and every pounds value of taxable property in this State shall be levied, and paid in the bills as before directed by this Act to be emitted, or in gold or silver at the rates established by law, in currency or currency certificates, as rated by the Act for the sale of confiscated property, or in specie certificates at their nominal value. Provided, the late currency, currency certificates, and specie certificates, shall not be received for more than two thirds of the said tax.

XVI. And be it further enacted by the authority aforesaid, that the above tax shall be collected, paid and accounted for, as directed by an Act, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and of collecting public taxes.

XVII. And be it further enacted, by the authority aforesaid, that each and every public treasurer be, and hereby is directed and required to retain in his hands, all such bills of credit emitted by virtue of this Act, as may be paid him for the taxes for the year seventeen hundred and eighty-three also

all the gold or silver that may be paid him for the taxes for the year seventeen hundred and eighty-three, until otherwise directed by the General Assembly, any law, usage or custom to the contrary notwithstanding.

XVIII. And be it further enacted, by the authority aforesaid, that all the property belonging to this State which has been confiscated by and under the several laws commonly called confiscation laws, is hereby expressly reserved as a fund for the redemption of the said bills of credit emitted by virtue of this Act.

XIX. And be it further enacted by the authority aforesaid, that each of the treasurers from the several districts within this State shall attend the General Assembly whenever they shall meet, and lay before them all certificates and monies they shall have received in their respective districts, to be disposed of in such manner as the General Assembly may judge proper, and any treasurer failing or neglecting to comply with this Act, shall forfeit the sum of two hundred pounds, to be sued for and recovered in any court of record, by action of debt, by the comptroler, and applied to the use of the State.

CHAPTER II.

An Act for opening the Land Office for the redemption of specie and other certificates, and discharging the arrears due to the army.

I. Whereas, opening the land office, and granting the lands within this State would not only redeem the specie and other certificates due from the public, but greatly enhance the credit thereof;

II. Be it therefore enacted by the General Assembly of the State of North Carolinia, and it is hereby enacted by the authority of the same, that so much of an Act of the General Assembly, passed at Wake, intituled, An Act to regulate and ascertain the several officers fees therein mentioned, as prohibits the future entering of lands with any entry-taker in this State, and declares void so much of an An Act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes therein mentioned, shall be null and void; and the Act last above recited is hereby declared to be in full force and efficacy, except so much thereof as comes within the purview and meaning of this Act.

III. And be it further enacted by the authority aforesaid, that the western boundary be enlarged and established by a line beginning in the line which divides this State from that of Virginia, at a point due north of the mouth of Cloud's creek, running thence west to the Mississippi, thence down the Mississippi to the thirty-fifth degree of north latitude, thence due east until it strikes the Apalachian mountains, thence with the Apalachian mountains to the ridge that divides the waters of French Broad river, and the waters of Nollichuckei river, and with that ridge until it strikes the line described in the fifth section of an Act, intituled, An Act to amend an Act for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes, and with that line, and those several water courses, to the beginning.

IV. And be it further enacted, by the authority aforesaid, that all entries of land heretofore made, or grants already obtained, or which may be hereafter obtained in consequence of the aforesaid entries for land, to the westward of the line last above described in this Act, be, and the same are here-

by declared to be null and void to all intents and purposes, as if such entries and grants had never been made or obtained.

V. And be it further enacted, by the authority aforesaid, that the Cherokee Indians shall have and enjoy all that tract of land bounded as follows, to wit: Beginning on the Tenasee where the southern boundary of this State intersects the same, nearest to the Chickamawga towns, thence up the middle of the Tenasee and Holston to the middle of French Broad, thence up the middle of French Broad river (which lines are not to include any island or islands in the said river) to the mouth of Big Pidgeon river, thence up the same to the head thereof, thence along the dividing ridge between the waters of Pidgeon river and Tuckasejah river, to the Southern boundary of this State; and that the lands contained within the aforesaid bounds shall be, and are hereby reserved unto the said Cherokee Indians and their nation for ever, anything herein to the contrary, notwithstanding.

VI. And be it further enacted by the authority aforesaid, that no person shall enter and survey any lands within the bounds set apart for the said Cherokee Indians, under the penalty of fifty pounds specie for every such entry so made, to be recovered in any court of law in this State, by and to the use of any person who will sue for the same; and all such entries, and grants thereupon, if any should be made, shall be utterly void.

VII. And be it further enacted, by the authority aforesaid, that no person, for any consideration whatever, shall purchase or buy, or take any gift or lease of any tract of land within the said bounds, of any Indian or Indians, but all such bargains, sales, gifts, and leases shall be, and are hereby declared to be null and void; and the person so purchasing, buying, leasing, or taking any gift of any land, of any Indian or Indians, as aforesaid, shall moreover forfeit the sum of one hundred pounds specie for every hundred acres so purchased, bought, leased or taken as aforesaid, one half to the use of the State and the other half to him that will sue for the same, to be recovered in the manner as aforesaid.

VIII. And whereas the said Indians may receive injuries from people hunting, ranging or driving stocks of horses, cattle or hogs, on the lands hereby allotted to them; for remedy whereof, Be it enacted by the authority aforesaid, That it shall not be lawful for any person or persons whatsoever to hunt or range on the said lands, or to drive stocks of cattle, horses, or hogs thereon, on pain of forfeiting the sum of fifty pounds specie for every such offence, together with such stock or stocks of horses, cattle or hogs, so driven; to be recovered by any person who shall sue for the same, in the manner aforesaid.

IX. And be it further enacted, by the authority aforesaid, that it shall and may be lawful for any person who now is, or hereafter shall become a citizen of this State, according to the constitution thereof, to enter with the entry taker to be appointed by joint ballot of both houses of this General Assembly to receive entries for claims of land, (all lands in this Act reserved for the Indians excepted) a claim for any lands, provided such claim does not exceed five thousand acres.

X. And be it further enacted, by the authority aforesaid, that every person claiming, before he shall be intitled to enter a claim for any of the said lands, shall pay into the hands of the entry-taker at the rate of ten pounds in specie, or in specie certificates at their nominal value, or certificates for currency as rated by law, and all other certificates at the value ascertained by the scale of depreciation, for every hundred acres so entered, together with the fees which by this Act shall be established.

XI. And be it further enacted by the authority aforesaid, that the claim-

ant of any land shall produce to the entry-taker a writing signed by such claimant, setting forth where the land shall be situated, the nearest water courses, mountains and remarkable places and such water courses and remarkable places as may be therein, the natural boundaries and lines of any other person or persons, if any, which divide it from other lands; and every such writing shall be on one quarter of a sheet of paper at least, and shall be endorsed by the entry-taker with the name of the claimant, and number of acres claimed, and date of the entry, and a copy thereof shall be entered in a well bound book, ruled with a large margin, and into spaces of equal distances, every space to contain one entry only, and every entry to be made in the order of time in which it shall be received, and numbered in the margin; and if no person shall appear within three months after such entry to make claim for the said lands, the entry-taker shall deliver to the party a copy of the entry with its proper number, and a warrant to the surveyor to survey the same, which warrant shall be written or printed on a half sheet of paper at least; but if any person shall appear and set up a claim to any lands so entered, the entry taker shall note the same in the margin of the book of entries opposite such claim, and transmit the whole to the court, to be proceeded on as by the said Act directed.

XII. Provided nevertheless, that it shall not be lawful for any person to make entry of, or settle on any lands within the bounds reserved for the officers and soldiers of the continental line of this State. Provided also, and it is hereby expressly declared, that it shall not be lawful for any person or persons to claim, enter or survey the great island in Holston river; and if any such entry be made; (the same having been made in open violation of treaty) is hereby declared void. And be it enacted, That the said island shall be, and hereby is reserved and appropriated to the sole purpose of holding the beloved talks and treaties on, with the said Cherokee Indians, and shall not be granted, sold or disposed of, to any person or persons whatever.

XIII. And be it further enacted by the authority aforesaid, that every entry-taker that now is, or hereafter may be appointed, shall previous to his entering on the execution of his office, enter into bond with approved security, in the sum of ten thousand pounds specie, to the Governor for the time being, for the faithful discharge of his respective duty, which bond upon a breach of the condition thereof, shall be assigned by the Governor to the party or parties injured, who shall or may maintain an action or actions thereupon in his or their own names, and shall not become void upon the first recovery, or if judgment be for the defendant, but may be kept in suit from time to time until the whole penalty be recovered; and every entry-taker shall also give bond in the sum of fifty thousand pounds specie, payable to the Governor for the time being, and his successors in office, well and truly to account and pay to the public treasury all such monies or certificates as he is, or shall be required by law to account for and pay in virtue of his office; and where the entry-taker shall fail to account for and pay the monies and certificates by him received into the public treasury, as required by law, the treasury shall proceed against him as by the said Act directed.

XIV. And whereas establishing the office for receiving entries of claims for the western lands convenient to citizens in general, will greatly tend to the disposal of the said lands; be it therefore enacted by the authority aforesaid, that the office of receiving entries of claims for lands, westward of the line herein before established, shall be held at Hillsborough.

XV. And be it further enacted by the authority aforesaid, that the secretary shall make out grants for all surveys returned to his office, which

grants shall be authenticated by the Governor, countersigned by the secretary, and recorded in his office, ready to be delivered to the parties to whom the same shall be made, on the first day of April and October in every year; and every person obtaining a grant for lands, shall within twelve months after such grant shall be perfect as aforesaid, cause the same to be registered in the register office of the county where the lands shall be.

XVI. And be it further enacted by the authority aforesaid, that the several entry-takers, surveyors, registers, and the secretary, shall be entitled to have and receive the fees hereafter particularly specified, and no more; that is to say, to the entry-taker for all services, four shillings; to the surveyor for making the survey and all other services, for every three hundred acres or under, sixteen shillings, and for every one hundred acres more, four shillings.

XVII. And be it further enacted, by the authority aforesaid, that the entry-takers shall receive the secretary's fees on the several entries made in their respective offices at the time of making the same, and shall on the first day of April, and the first day of October annually, account with, and pay to the secretary, all such monies by them so received, after deducting a commission of five per cent. for their trouble in collecting and paying the same.

XVIII. And in order to ascertain such grants as may issue in future, be it enacted by the authority aforesaid, that with each return hereafter to be made, the surveyor shall return two fair lists, setting forth the name of the grantee, and number of acres surveyed, with the date of such return; one of which lists shall be signed by the surveyor and left with the secretary, and the other signed by secretary and returned to such surveyor.

XIX. And whereas many disputes have, and may arise from the surveyor giving preference to warrants of a younger date, and not certifying in the return of survey, the date of the entry, and number of the warrant under which the same is surveyed, by means whereof grants have in many instances issued on such returns contrary to the true intent and meaning of the said Act; for prevention whereof in future, be it enacted by the authority aforesaid, that every entry-taker within this State shall make out and deliver to the surveyor, on or before the first day of April, and the first day of October annually, the warrants for the several entries (which are not disputed) made in his office, endorsed in the manner aforesaid; which surveyor shall proceed in his surveys, according to the number and date of the respective entries, and shall within twelve months after the receipt thereof, lay off and survey the same agreeable to the directions of the said Act; and shall make two fair plotts thereof, on not less than a quarter of a sheet of paper, certifying in such plotts the date of the entry, and number of the warrant under which the same shall be made, and shall set down in words at length, the beginning, courses, distances, marks and water courses, together with the lines of such lands, as may join the same, and the quantity of acres; which return shall be signed by such surveyor or his deputy, and transmitted with the warrant to the secretary's office within eighteen months after receiving the same, under the penalty of fifty pounds specie for every default, to be recovered by the action of the party injured, before any jurisdiction having cognizance thereof, and applied to his own use.

XX. Provided always, that where any entry shall be caveated, it shall

not be lawful for such surveyor to survey any entry for the same land, (of a younger date than the one caveated) joining or intersecting such entry, until a final determination be had on such caveat; and every entry-taker shall copy and transmit to the surveyor every caveat entered in his office, with the time of entering such caveat, and the number thereof.

XXI. And whereas grants may be secretly obtained on entries heretofore made by artful and designing men, for land to which they had no just title to the great injury of many of the inhabitants of this State; for prevention whereof, be it enacted by the authority aforesaid, That upon complaint being made on oath, and sufficient reason shewn to the Governor or commander in chief, he may suspend the execution of such grants, and direct the secretary to certify the same to the court of the county wherein the land may lie, and the court shall, upon receiving such certificate from the secretary, order a trial by jury, in the same manner as they might do if a caveat had been made in the office of the entry-taker, and the proceedings to be conducted in the same manner as is directed by the before recited Act.

XXII. And be it further enacted by the authority aforesaid, that so much of the aforesaid Act of the General Assembly "for establishing offices for receiving entries of claims for lands in the several counties within this State, for ascertaining the method of obtaining titles to the same, and for other purposes therein mentioned," and the several amendments thereof, as comes within the meaning of this Act, shall be, and are hereby repealed and made void.

XXIII. And be it further enacted by the authority aforesaid, that all the lands lying between the Iron mountain and the present Indian boundary, as far as a point opposite to the line already extended betwixt Burke and Rutherford counties, shall be entered in the county of Burke; and all the lands south of the last mentioned line to the south line of this State and the Indian boundary, from the aforesaid point, shall be entered in the county of Rutherford.

XXIV. And be it further enacted by the authority aforesaid, that this Act shall be in force, and take effect in the respective counties in this State, on the first day of August next, excepting for the lands appropriated by sundry Acts of this Assembly, lying to the westward of the present Indian boundary line, which said lands shall not be liable to be entered until the twentieth day of October next.

CHAPTER III.

An Act to amend an Act, intituled, An Act for the relief of the Officers and Soldiers of the Continental Line, and for other purposes.

Whereas, by the above mentioned law, certain quantities of land are allowed to sundry persons, officers and soldiers, and to the heirs of sundry officers and soldiers who have fallen in the course of the war, for obtaining titles to which no mode is pointed out;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, that each and every person and persons intitled to land by virtue of the aforesaid law, shall on application being made to the secretary of the State, obtain and receive from him a warrant of survey for such quantities of land, within the limits of the land reserved by the aforesaid law for the said officers and soldiers, as he, she, or they, by the aforesaid

law shall be entitled to, which shall be directed to Colonel Martin Armstrong, who is hereby appointed surveyor for this purpose, and is authorised and required, by himself or deputy, to execute and return the same into the secretary's office within the same time, and in the same manner as is required in other cases; and for which services he shall be intitled to the same fees, and be subject to the same pains and penalties for neglect or breach of duty; and shall also, previous to his entering upon the exercise of that office, take the same oath in presence of the Governor, as is by law appointed to be taken by other surveyors, and shall also administer to every chain-carrier who shall be employed with him in running out any of the said tracts, the same oath as is usually administered to chain carriers in other cases.

III. And least disputes should or may arise between two or more persons by each wishing or claiming to have his warrant or warrants located on the same piece of land; be it enacted by the authority aforesaid, That in such case the parties contending or claiming the same, shall cast lots for the choice, and the person in whose favour the lot falls, shall have the preference to such tract or parcel of land so claimed.

IV. And be it further enacted by the authority aforesaid, that no warrant shall be issued by the secretary in virtue of this Act, before the first day of October next; and the officers and soldiers aforesaid shall be allowed the term of three years from the first day of October next, to secure the lands hereby reserved for them.

V. And be it further enacted by the authority aforesaid, that where a warrant shall be hereafter located, without any person making objections to such location, that such location shall be good and valid, notwithstanding the claim that may be afterwards set up by any other person.

VI. And be it further enacted by the authority aforesaid, that the secretary shall make out grants for all surveys returned to his office, which grants shall be authenticated by the Governor, countersigned by the secretary, and recorded in his office ready to be delivered to the parties to whom the same shall be made.

VII. And for prevention of disputes, be it enacted by the authority aforesaid, that the officers and soldiers aforesaid shall enter and survey the lands within the following lines, that is to say; beginning in the Virginia line where Cumberland river intersects the same, thence south fifty miles, thence west to the Tenasee river, thence down the Tenasee to the Virginia line, thence with the said Virginia line east to the beginning.

VIII. And be it further enacted by the authority aforesaid, That no person or persons but the officers and soldiers of the continental line (except those who are now settled on Cumberland river and have a right of pre-emption, whose claims are hereby reserved to them) shall enter any lands within the said bounds within three years after the passing of this Act; and all entries hereafter made within that time, by any except officers or soldiers intitled by law, are hereby declared void.

IX. Provided nevertheless, that Anthony Bledsoe, Absalom Tatom, and Isaac Shelby, late commissioners to lay off the lands for the continental officers and soldiers, and the surveyors guards, and others who accompanied the said commissioners on that duty, shall each obtain titles to such quantity of land within the bounds aforesaid, as they or each of them are intitled to by the Act under which they were appointed, by entering the said lands with the entry-taker of Davidson county, who is

required to receive their claims without any purchase money, and to grant them warrants for the same.

X. And be it further enacted by the authority aforesaid, that the surveyor by this Act appointed shall have the same fees, as by law are appointed for public surveyors, and shall be, and hereby is allowed and permitted to lay off for himself, within the bounds of the aforesaid tract of land, equal to the amount of his fees rating the said lands, at ten pounds the hundred acres, anything in this Act notwithstanding.

XI. And be it further enacted by the authority aforesaid, that the scale of depreciation established by an Act, intituled, An Act for establishing a scale of depreciation, with a provision for suits commenced for paper currency, and for suspending the operation of the laws therein mentioned, shall be the scale by which the continental officers and soldiers of this State shall account for all such sums of money as they have received in part of their pay and subsistence, and by which they shall account for such balances as may be due from them on the sums by them received for the purpose of recruiting.

XII. And be it further enacted by the authority aforesaid, that all officers who have served with reputation two years and upwards, and either resigned, or were left out of the line on the reduction of their respective corps, and their heirs shall be intitled to grants of land proportionate (having respect to their time of service) to those grants that officers who have served during the war are intitled to by law, computing their time of service at seven years; and also all soldiers who have served two years or upwards, shall be intitled to grants of lands proportionate (having respect to their time of service) to those grants of land that soldiers who have served two years and an half are intitled to by law.

XIII. And be it further enacted by the authority aforesaid, That his excellency Alexander Martin, esquire, and David Wilson, esquire, be intitled, agreeable to report of the committee, to two thousand acres of land each, adjacent to lands allotted for the officers and soldiers, for which they shall have and receive titles in the same manner as is directed by this Act, for the officers and soldiers to obtain titles to their lands, any law, or custom to the contrary, notwithstanding.

XIV. And whereas it will be more convenient for the officers and soldiers to attend at Halifax than at Newbern to have their accounts liquidated and settled; be it enacted by authority aforesaid, that Willie Jones, Benjamin McCulloch, and Henry Montfort, esquires, be, and are hereby appointed commissioners in the room and stead of James Coor, John Hawks, and William Blount; and in case of the death of the said Willie Jones, Benjamin McCulloch, or Henry Montfort, or refusal to act, the Governor is hereby impowered to appoint one or more persons in his or their place, as the case may be, to liquidate and settle the officers and soldiers accounts to the first day of January, one thousand seven hundred and eighty-two, who are hereby impowered to allow interest on all accounts by them settled, agreeable to a resolution of this General Assembly of the fifteenth of May.

XV. And whereas it is absolutely necessary that some mode be adopted for the speedy recovery of monies due from any delinquent, superintendant commissioner, or county commissioner of confiscated property, sheriffs, treasurers, and tax-gatherers; Be it enacted by the authority aforesaid, that if any superintendant commissioner, or county commissioner of confiscated property, sheriff, treasurer or tax-gatherer, who have been, or shall be appointed by virtue of any Act of Assembly, shall fail or neglect to account for all monies which they respectively have been, now are, or

hereafter shall be impowered and authorized to receive, it shall and may be lawful for any court of record in this State, on motion of the attorney general, or any other attorney, to grant judgment against such superintendant commissioner, or county commissioner of confiscated property, sheriff, treasurer or tax-gatherer, for all sums which he may have in his hands unaccounted for, with interest thereon from the day of receipt till the same is paid, and to award execution against the body, goods and chattels, lands and tenements, of such delinquent, or his securities; provided such delinquent have ten days previous notice of such motion; any law to the contrary, notwithstanding.

CHAPTER IV.

An Act for the establishing a Scale of Depreciation, with a provision for Suits commenced for Paper Currency, and for Suspending the operation of the Laws therein mentioned.

I. Whereas much difficulty hath arisen in the adjusting and settling debts and demands, as well within the courts of this State as out thereof, from the rapid depreciation of paper currency emitted in circulation; and that a fixed and permanent scale may be established for the ascertaining the value of the same in future,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same. That from and after the passing of this Act, the following scale shall be, and is hereby declared to be the only scale to determine the value of the depreciation of the paper currency of this State, in all cases, whatsoever, estimating the same in specie; deeming one Spanish milled dollar, weighing seventeen penny-weight six grains, to be of the value of eight shillings specie; which scale shall be as follows, that is to say:

Years and Months.	1777.	1778.	1779.	1780.	1781.	1782.
January	0	3½	6	32	210	800
February	0	3½	6½	35	225	800
March	1¼	3¾	7½	40	250	800
April	1½	4	10	50	260	800
May	1½	4	10	60	300	800
June	1¾	4	12½	75	350	800
July	2	4	15	90	400	800
August	2⅛	4¼	18	100	500	800
September	2¼	4½	21	125	550	800
October	2½	4¾	25	150	600	800
November	2½	5	27	175	675	800
December	3	5½	30	200	725	800

III. And be it further enacted by the authority aforesaid, that the following scale of the value of gold and silver foreign coin, shall be the only value thereof, in the transactions of gold and silver hereafter; that is to say,

A TABLE OF COINS.

Gold Coins.	dw.	gr.	L.	N.	Cur.
A guinea	5	6	1	17	4
Half a guinea	2	15		18	8
A French guinea	5	5	1	16	0
Moidore	6	18	2	8	0
Four pistole piece	17	0	6	0	0
A pistole	4	4	1	10	0
Double Johannes	18	0	6	8	0
Single ditto	9	0	3	4	0
Half ditto	4	12	1	12	0
Quarter Johannes	2	6	0	16	0
Silver Coins.	**dw.**	**gr.**	**L.**	**N.**	**Cur.**
French crown	0	0	0	9	0
English crown	0	0	0	9	0
Half crown	0	0	0	4	6
Quarter ditto	0	0	0	2	3
A dollar	17	6	0	8	0
Half dollar	0	0	0	4	0
Quarter dollar	0	0	0	2	0
A pistareen	0	0	0	1	8
English Shilling	0	0	0	1	8

And the said scale shall hereafter be read in evidence in all the courts of this State, to liquidate all debts and demands, and in entering up judgments thereon.

IV. Provided always, and it is the true intent and meaning of this Act, that on trials of actions for debt, where the debt is in the present time, and the payment in the future time, the contracts and all matters, circumstances and things relating thereto, shall be given in evidence to the jury, whose verdict shall regulate the same, so that judgment may be entered up thereon.

V. And whereas many suits are hanging up in the Superior and inferior

courts from the damage in writs being laid in the said paper currency, whereon if the plaintiff had proceeded to judgment, such judgments would in no manner have been intrinsic and adequate to the debt or damage sustained or demanded; Be it enacted by the authority aforesaid, that the judges and justices of the said courts are hereby authorized and impowered to direct the jurors in all such cases, to find their verdict in specie, although the writ shall be laid in the said paper currency, and to enter up judgment in specie; which variation between the writ and judgment shall not be assigned an error thereon, in impediment of justice and the operation of this law.

VI. And be it further enacted by the authority aforesaid, that all justices of the peace, on trial of warrants brought before them, or any of them, shall give judgment and award execution according to the foregoing scale of depreciation, and agreeable to the true intent and meaning of this Act.

VII. And be it further enacted by the authority aforesaid, that on all pleas of tender, with an always ready, alledged to be made after the last day of March, one thousand seven hundred and seventy-seven, the party pleading such plea shall file an affidavit therewith, that the sum so tendered was equal at the time of such tender to the debt or damage demanded, according to the then depreciation; and for the want of such affidavit the plaintiff shall be admitted to proceed on his writ in the usual course of practice, unless the defendant waives his said plea, and pleads to issue.

VIII. Provided nevertheless, that no creditor who hath before the said last day of March, in the year seventeen hundred and seventy-seven, refused to receive, or artfully evaded receiving his debt in currency, shall be intitled to have depreciation made good to him.

IX. And whereas great injustice and injury may arise to many persons who may have claims to property, or demands on debtors, by reason of the courts of justice being often stopped, the depreciation of the paper currency, and the intrusion of a destructive war, creditors have been prevented from prosecuting for the same to any effect; that justice and equity may therein be done, Be it enacted by the authority aforesaid, that the statute of limitations, intituled, An Act concerning old titles to lands, and for limitations of actions, and for avoiding suits in law, be and is hereby suspended from its usual operation, so far forth as it acts, or might act, as an estople or impediment against the recovery of lands, tenements and hereditaments, or any of them, or the recovery of property by actions of detinue, trover and conversion, or demands against debtors, or suits in equity coming within the provisions and remedies of this Act, from the fourth day of July, seventeen hundred and seventy-six, to the first day of June, seventeen hundred and eighty-four, that all persons may implead or be impleaded in that time, unless the said law had had the full operation thereof before the said fourth day of July, in the year aforesaid.

X. And be it further enacted by the authority aforesaid, that until the said first day of June, seventeen hundred and eighty-four, any plaintiff shall and may recover under the Act commonly called the Book-debt Act, a verdict and judgment for such articles as he or she shall prove by his or her own oath, although the cause of action may not have arisen within two years before the time when the suit was, or shall be commenced; anything in the same Act to the contrary, notwithstanding.

XI. And be it further enacted by the authority aforesaid, that all and every Act of this State making the paper currency thereof, heretofore

emitted, or the continental paper currency, a tender in the payment of debts, so far forth as they relate to the payment of debts, are hereby repealed and made void.

XII. And whereas many great and difficult disputes may happen in matters of administration, testamentary, and trusts between executors, administrators and guardians, and their wards and minors, in the settlement of accounts and trusts, arising from the said depreciation, and incidents growing out of the times, which are only determinable in a court of equity; and that law suits and expensive litigation thereon may be obviated, Be it enacted by the authority aforesaid, that in all such cases as above described, the parties are hereby impowered to form a full and perfect state of the case on both sides, at their joint expence, which case shall be submitted to the determination of the judges of the court of equity, who are hereby authorized to take such case under their consideration, and to determine the same according to equity and good conscience.

XIII. Provided always, and it is the intent hereof, that no part of this law shall be construed to estop, or hinder any person or persons from proceeding in the usual course of law, if he, she, or they shall deem the same necessary.—And provided also, That in all cases where a debt is due, upon bond, note or otherwise, with a penal sum, and a part thereof paid in paper currency, then and in that case, this Act shall not enable or suffer the creditor to take any sum out of the penalty, or be construed to affect the residue of said debt; anything to the contrary notwithstanding.

XIV. Provided nevertheless, That nothing in this Act shall be construed to enable any person or persons, by themselves or their agents or attornies, heirs or assigns, to bring suit for any lands, tenements or hereditaments; on any action of detinue, trover and conversion, on any bond, note, or other contract or agreement, or to have any judgment upon any such suit or action, if it shall appear to the court that the plaintiff in such suit or action, comes within the description of any of the laws commonly called the confiscation laws, or being assignee of any person coming within the aforesaid description, or have withdrawn themselves from the common defence of the country during the war; and that all suits commenced in any of the courts of law or equity in this State, formed upon any such suits for any lands and tenements, or hereditaments, or any action of detinue, trover and conversion, or on any bond, note, or other contract, agreement or account, by any person included within the description of the aforesaid laws commonly called the confiscation laws, shall be declared null and void, and no judgment shall be obtained thereon.

CHAPTER V.

An Act to indemnify such persons as have acted in defence of the State, and for the preservation of Peace during the late War, from vexatious suits and prosecution.

I. Whereas, during the late war with Great Britain, which began on or about the twentieth day of April, in the year of our Lord, one thousand seven hundred and seventy-five, divers officers of the army, officers of the militia, justices of the peace, and other officers and persons well affected to the freedom and independence of the people, in order to inforce and protect our present happy establishment and the peace of the State, and to suppress and put an end to the war, apprehended and put into custody and imprisoned, or caused to be apprehended, put into custody or imprisoned, several criminals,

traitors and others, whom they suspected had, or might adhere to the enemies, were in open rebellion, or might disturb the peace of the said State, or excite and promote evil designs against the same, and also seized and used horses, arms, and other articles, and also impressed divers waggons, carriages, horses, arms, provisions and other things essentially necessary for supplying troops in the service of the United State, or of this State, with arms, provisions or forage, or for recovering any military stores, forage or baggage, either for repelling the enemy, or their adherents, and carrying on the war, and for the purposes aforesaid, entered into the houses and possessions of divers persons, and committed sundry acts, which though not strictly agreeable to law, yet were requisite, and so much for the service of the public, that they ought to be justified by Act of Assembly, and the persons by whom they were transacted indemnified;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That all personal actions, and suits, indictments, informations, and all molestations, prosecutions and proceedings whatsoever, and all judgments thereupon, if any be, for or by reason of any matter or thing advised, commanded or appointed to be done or executed in consequence of and during the late war with Great Britain, and until the first day of May, in the year of our Lord, one thousand seven hundred and eighty-three, in order to repell the enemy, carry on the war, or to preserve the peace, safety and independence of the State, shall be discharged and made void; and that every person by whom any such act, matter or thing, shall have been so advised, commanded, appointed or done, for the purposes aforesaid, or any of them, before the said first day of May, shall be freed and acquitted, and indemnified as well against the State, as against all and every person or persons; And if any action or suit hath been, or shall be commenced or prosecuted against any person or persons for any such act, matter or things, so advised, commanded, appointed or done, for the purposes aforesaid, or any of them, before the said first day of May, he, she, or they, may plead the general issue, and give this Act, and the special matters in evidence, and if the plaintiff or plaintiffs shall become non-suited, or forbear further prosecution, or discontinue his or their suit, or if a virdict shall pass against such plaintiff or plaintiffs, the defendant or defendants shall recover his, her, or their full costs, where he, she, or they shall have the like remedy, as where costs by law are given to the defendants in other cases. Provided, That nothing in the foregoing Act shall be construed or intended to justify any person whatever, who under pretences of public service shall have destrained and taken any thing or things from the citizens of this State, and converted the same to their own or any other person's use, but the right to sue and recover damages from all such persons, is expressly reserved to the citizens of this State for such mal-versations.

CHAPTER VI.

An Act of Pardon and Oblivion.

Whereas, it is the policy of all wise states on the termination of civil wars, to grant an act of pardon and oblivion for past offenses, and as divers of the citizens of this state, and others the inhabitants thereof, in the course of the late unhappy war, have become liable to great pains and penalties for offenses committed against the peace and government of the state, and the general assembly out of an earnest desire to observe the articles

of peace, and on all occasions disposed to forgive offences rather than punish where the necessity for exemplary punishment has ceased.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all and all manner of treasons, misprision of treason, felony or misdemeanor, committed or done since the fourth day of July, seventeen hundred and seventy-six, by any person or persons whatsoever, be pardoned, released, and put in total oblivion.

III. Provided always, That this act, or anything therein contained, shall not extend to pardon or discharge, or give any benefit whatsoever to persons who have taken commissions, or have been denominated officers, and acted as such under the King of Great Britain, or to such as are named in any of the laws commonly called confiscation laws, or such as have attached themselves to the British and continued without the limits of this state, and not returned within twelve months previous to the passing of this act. Provided further, That nothing herein contained shall extend to pardon Peter Mallette, David Fanning and Samuel Andrews, or any person or persons guilty of deliberate and wilful murder, robbery, rape, or house burning, or any of them, anything herein contained to the contrary notwithstanding. Provided nevertheless, That nothing in this Act shall be construed to bar any citizen of this state from their civil action for the recovery of debts and other damages. Provided also, That nothing herein contained shall intitle any person by this law to be received, to elect or be elected, to any office or trust in this state, or to hold any office civil or military.

IV. Whereas, by an act passed at Wake Court House, all officers, civil and military, who had taken parole were suspended from the execution of their respective offices, and required to appear at the next General Assembly to shew cause, if any they could, why they should not be removed from said office; and, whereas, several of the officers aforesaid have neglected to appear agreeable to the requisition of the Act of Assembly; Be it Enacted by the authority aforesaid, That all such officers, both civil and military, is hereby declared to stand suspended from the execution of their several offices, until they shall appear at some future assembly and be restored to the execution of their respective offices, or removed agreeable to their merit or demerit.

V. Provided, That nothing herein contained shall be construed to exclude a justice of the peace from executing the duties of his office, who shall make it appear to the satisfaction of the court of his county, by oath or otherwise, that he was taken prisoner without his consent and privity, and that after his capture he had not voluntarily stayed with the enemy, nor taken an active part in any manner, by furnishing them wilingly with provision, bearing arms, or accepting any appointment in their civil regulations.

CHAPTER VII.

An Act to suspend the operation of executions, for a time therein mentioned.

I. Whereas, from the great scarcity of circulating currency, many debtors have and may be distressed:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That no suit shall be commenced, or warrant granted, for any debt, on bond, note, or account, contracted previous to the first day of May, in the year of one thousand seven hundred and eighty-three, until the expiration of twelve

months after the passing of this act, unless the creditor shall make oath before some justice of the peace that he has good reason to believe his debtor intends to quit or to send his property out of this state, or unless he shall refuse to give bond with security for the payment of his debt, to be approved of by such justice, in which case the said suit shall be proceeded in to execution; and no execution which has been, or may be obtained, shall be carried into effect unless the debtor shall still refuse to give the security hereby required, and pay the costs of suit.

III. But, whereas, it is to be presumed that the citizens of this state have refrained by prudential consideration of circumstances they were apprised of, from contracting recently with each other extravagant or greater debts than may be discharged from their incomes, or without very great injury to their estates; Be it Enacted by the authority aforesaid, That the citizens of this state shall be permitted to sue for all debts and demands that have been contracted, or have arisen since the first day of May, in the year seventeen hundred and eighty-three.

CHAPTER VIII.

An Act to prevent vexatious suits, and to confirm the rights and titles of sundry citizens therein mentioned.

Whereas, during the late invasion of the state of Georgia, contracts were made by the Governor and Council of Georgia, with several of the citizens of this state, for horses and other valuable property to mount their dragoons, and other public purposes, the more effectually to oppose the common enemy; And whereas the said citizens of this state have received from the public officers of the said State of Georgia, by order of their Governor and Council, several negroes and other property heretofore belonging to the subjects of that state, in payment for horses and other property as aforesaid;

II. Be it therefore Enacted by authority of the General Assembly of the State of North Carolina, That if any citizen of this state shall be sued for any negroes, or other property as aforesaid, obtained from the Governor and Council of the State of Georgia, for horses or other property sold as aforesaid, such citizens shall be allowed to give in evidence such contract, and if the same shall be proved to the satisfaction of the court and jury trying the cause, a verdict and judgment shall be given for the defendant; any law, custom or usage to the contrary notwithstanding.

CHAPTER IX.

An Act to Inhibit and put an end to the entering up judgments on bonds commonly called judgment bonds.

I. Whereas, it hath been heretofore usual for persons to enter up judgments on old and dormant bonds and other writings, with powers to confess judgment thereon, by any practising attorney in any court of law, without previous notice to the debtor or debtors to make his defence, and enable such debtor or debtors to produce his or their releases, receipts and other acquitances, by means whereof much fraud hath been committed, and the good citizens burthened with heavy judgments and costs, without any relief but by expensive course in equity; for prevention of such abuses in the future,

II. Be it therefore Enacted by the General Assembly of the State of

North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this act, all judgment bonds, notes and other writings, with power to any person whatsoever to confess judgment thereon, shall be and are hereby declared utterly void as to such power, but the same proceedings shall be had thereon, as on common bonds and penal notes.

CHAPTER X.

An Act to amend the Assessment Law, passed last Assembly at Hillsborough.

I. Whereas, in a time of war it was necessary that all persons refusing from a conscientious motive to bear arms, should be taxed heavier than those who actually performed military service, in consequence whereof the Moravians, Quakers, Menonists and Dunkards, were taxed in a three-fold proportion; And, whereas, by divine providence peace and harmony are once more restored in the state, by which means the cause for such unequal taxation is removed; and as it is contrary to the spirit of our constitution that any citizen should pay an extraordinary tax on account of religion,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That so much of the assessment law, passed at Hillsborough in the year one thousand seven hundred and eighty-two as relates to the extraordinary taxation of the Moravians, Quakers, Menonists and Dunkards, be and is hereby repealed and made void.

III. And, whereas, many of the citizens of this state have hitherto refused and neglected to take the oath of affirmation of allegiance by law prescribed, and therefore have not any right or title to indulgence; Be it therefore Enacted by the authority aforesaid, That all persons citizens of this state, who have not taken the oath of affirmation of allegiance by law prescribed, shall take the same within six months after passing this act, and all persons refusing or neglecting to take an oath or affirmation of allegiance as aforesaid, shall pay double the tax.

IV. And be it further Enacted by the authority aforesaid, That no person shall be subject to a greater taxation, in proportion to his taxable property, by reason of his being exempt by age or infirmity from military service, than other the citizens of this state. Provided, That no person who has come to the age of sixteen years since the time last prescribed by law for taking the oath of allegiance, shall be deemed to be within the meaning of this clause, they having proofs of their fidelity.

V. Provided also, That nothing in this act shall be construed so as to permit any person who has been in arms against this, or the United States, or joined the enemy thereof, to avail themselves by taking the oath so as to become citizens of this state.

VI. And, whereas, in several of the counties in this state the collectors have refused or neglected to give bond for the collection of public taxes agreeable to law; Be it therefore Enacted by the authority aforesaid, That in all such counties the sheriff shall, and he is hereby required to collect all such public taxes as may be now due and owing from the inhabitants of his county, and pay the same into the public treasury of his district on or before the first day of October next, after deducting his commissions, which are hereby declared to be at the rate of five pounds for every hundred pounds he may so collect and pay as aforesaid.

VII. And be it further Enacted by the authority aforesaid, That so much of the before mentioned act as directs the particular form of returns to be

made by the assessors of taxable property, be and the same is hereby repealed.

VIII. And, whereas, the tax-gatherers in this state are liable by law to forfeit their commissions, and to pay the whole amount of the taxes by them to be collected on the first day of February in each year, and previous to that day they have no power to levy the taxes by distress, and sale of goods and chattels of delinquents; Be it therefore Enacted by the authority aforesaid, That the tax-gatherers may, and they are hereby impowered to levy the taxes by distress, and sale of goods and chattels of all persons who being lawfully taxed, shall neglect or refuse to pay the same on or before the first day of January in each year; and so much of the aforesaid assessment law as comes within the purview of this act, is hereby repealed and made void.

CHAPTER XI.

An Act to enforce the attendance of jurors in this State, to provide for their subsistence in attending, also to ascertain the pay of witnesses attending Courts, and other purposes.

I. Whereas the above premises have not hitherto been sufficiently provided for;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That every juror who shall be hereafter appointed by any of the county courts within this State to attend at any of the Superior courts, and shall fail to appear according to the summons, and give his attendance, shall forfeit and pay ten pounds specie; and every person appointed by and duly summoned to attend any county court, who shall fail or neglect to attend to such court as juror, shall forfeit and pay the sum of five pounds specie; which forfeitures shall be assessed by the court to which such person shall be returned a juror, and recovered and applied as fines are directed in an Act of Assembly, intituled, An Act to provide indifferent jurymen, &c., and appropriated to the same purposes as in the said Act is directed. Provided, That each delinquent juryman shall have till the next succeeding term to make his excuse to the judges or justices of the said court, as the case may be, for his non-attendance.

III. And be it further enacted by the authority aforesaid, That every juryman who shall attend agreeable to such summons at any of the superior courts, shall be allowed for every days attendance the sum of eight shillings specie, and the like sum for every thirty miles he shall travel in going to and returning from the said court, and such sums as shall be necessarily expended by him in crosing ferries; and every juror shall receive at the end of the term from the clerk of the court, a certificate for the sum he may be intitled to receive, in which ticket the number of days such juror hath attended shall be expressed, and also the number of miles he may have travelled, together with the charges of ferriage, where any may have been expended by him, which ticket shall be paid out of the county tax of the county wherein such juror resides.

IV. And be it further enacted by the authority aforesaid, That each person who shall attend any of the said superior or county courts as a witness, shall be allowed for each and every day's attendance, and for every thirty miles he shall travel going to and returning from the said court, the sum of eight shillings specie, and for every days attendance on the county court

the sum of four shillings specie, to be paid by the party cast, and inserted by the clerk in the taxation of costs. Provided, That the party cast shall not be obliged to pay for more than two witnesses to prove any single fact, and the attendance of witnesses as to the number of days shall be ascertained by the oath of the witness, to be made at the court at which the cause is determined, or within five days after before the clerk of the court.

V. And be it further Enacted by the authority aforesaid, That when any person shall be summoned by the lawful officer to attend any of the aforesaid courts as a talisman, and who shall fail to appear and give his attendance during the day for which he is summoned, shall be amersed at the discretion of the court, not exceeding twenty shillings specie, and the court shall order the clerk forthwith to issue an execution against the body or goods of the delinquent for such amersment and costs.

CHAPTER XII.

An Act to impower the Justices of the County Courts to appoint a County Attorney and Solicitor, to Prosecute for the State in the County Courts, and for the purpose of appointing a Salary and the fees of the Attorney and Solicitor, and other purposes.

I. Whereas it is deemed necessary that an attorney and solicitor should be appointed to officiate in behalf of the State in each of the county courts, in all matters civil and criminal, arising within the county, and to establish for such officer in each county a salary, and for adjusting the fees of said officer;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the justices of each of the county courts of this State shall and are hereby authorised and impowered to elect, nominate and appoint, a gentleman of known skill and abilities in the law, and of approved integrity, to act as county attorney and solicitor for the State, in all matters civil and criminal arising or to be done in the county, who upon his nomination shall take the same oaths of qualification as are taken by the State's attorney in the superior courts, who thereupon shall enter upon his appointment, and hold his said appointment during his good behaviour, and shall be intitled to the same fees as the attorney general is intitled to in the superior courts in like cases.

III. And be it further enacted by the authority aforesaid, That the said county attorney and solicitor shall be allowed as a salary a sum not exceeding ten pounds specie for each and every court he shall give his personal attendance at for the purposes aforesaid, to be paid by the justices of the county in which he shall be so nominated, out of the county tax.

IV. And be it further enacted by the authority aforesaid, That the nomination and appointment aforesaid shall in no manner hinder any gentleman so appointed, from his being elected a member of the General Assembly and from taking a seat in either of the houses thereof.

V. And whereas it is necessary that the number of persons heretofore appointed as justices of the peace for the respective counties in this State be ascertained, to the end that a proper record thereof be made; Be it enacted by the authority aforesaid, That the clerks of the county courts within this State be, and they are hereby required and enjoined to make return to the next General Assembly, of all persons commissioned as justices of the peace for their counties respectively, having due regard to the dates of

such commissions, and the order in which the names of such justices are inserted thereon, distinguishing in such return those who now act, those who are dead, refuse to qualify, have left the county, or labour under any legal disability, on pain of forfeiting for neglect or refusal, the sum of ten pounds, to be sued for in the name of the Governor for the time being, recovered by action of debt, and applied to the use of the State.

CHAPTER XIII.

An Act for appointing Commissioners to take into their possession sundry Articles of Public Property, and to secure the same from embezzlement and further waste.

I. Whereas there is in many parts of this State a number of cattle, horses, waggons, fire arms, cloathing, and sundry other articles of public property in the hands of individuals, or running at large, which are no longer necessary for public use;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the sheriffs for the time being of the respective counties in this State, shall be, and they are hereby appointed commissioners, each in his proper county, to collect and get into their possession all the cattle, horses, arms, ammunition, waggons, carts, and all and every other article of public property, which may be running at large or in the hands or possession of any other person whatsoever in his said county, other than such property which may be in the hands of the commissioners of confiscated property; and for that purpose the aforesaid commissioners respectively shall have power to appoint one or more assistants, as they shall find necessary, and shall allow them reasonable wages for such service as they may perform in the business; and the aforesaid commissioners shall respectively in their counties, have full power to call upon, and demand from all persons in whose custody or possession any of the afore-described articles may be to deliver the same, and on refusal or neglect the said commissioners are hereby authorized and required to commence suit in the name of the State, in any of the courts of law in this State having cognizance thereof, against such persons as may hold and refuse to deliver, or whom he may suspect or know to have embezzled any of the property aforesaid.

III. And be it further enacted by the authority aforesaid, That the said commissioners shall sell, or cause to be sold, all and every such article as may come to his possession or knowledge, at public auction at the court house of the county where such property may lie, after giving notice thereof by advertisement at least twenty days before the day of sale, and at five different places within their respective counties where it may be most notorious, and shall receive in payment therefor specie certificates, and currency certificates, agreeable to the established scale of depreciation; and the aforesaid commissioners shall within one month after such sales, pay all such monies and certificates which they may or ought to receive, into the public treasury, after deducting therefrom his own commissions and the necessary charges and expences expended by him in the prosecution of the business, and shall also render to the district auditors a true and fair account upon oath of all the sales he shall make in virtue of this Act, in which account all expences and expenditures shall be clearly distinguished and entered.

IV. And whereas there is in many counties in this State quantities of specific articles in the hands of the county commissioners, sheriffs and

others, which have arisen from the tax for the year one thousand seven hundred and eighty-two; Be it therefore enacted by the authority aforesaid, That the commissioners aforesaid in their respective counties shall receive from all and every person that may have such specific commodities in their possession, all the said articles, which shall be sold at the public stores, where the same may be lodged by the said commissioners respectively, agreeable to the directions of this Act.

V. And be it further enacted by the authority aforesaid, That each and every commissioner acting under this law, shall receive for his trouble in attending the sales, keeping the accounts, and every other service necessary, two and an half per cent. upon such sales, over and above a reasonable allowance for his time and trouble in collecting and removing such property as may be necessary to be collected and removed, which allowance shall be adjudged of and made by the district auditors upon settlement of his account.

VI. And be it further enacted by the authority aforesaid, That every sheriff before he enters upon the execution of the duties aforesaid, shall give bond with sufficient security in the court of his county, or before any three justices of the county, payable to the Governor for the time being, and his successors in office, in the sum of two thousand pounds specie, for the faithful discharge of those duties, and such bond shall be given as soon as may be after the passing of this Act.

VII. And be it further Enacted by the authority aforesaid, That the sheriffs of the several counties of this State shall apply, and they are hereby required to apply to the officers commanding and holding any public arms or military stores at the district towns or magazines, for an equal portion of such arms or military stores, and shall sell the same according to the foregoing directions; and such sheriff shall return an account of such sales on oath to the next General Assembly, and shall be allowed for the same by his county court as an extra officio service; and the officers delivering such arms and stores to the several sheriffs within his district shall take their receipts for the same, and shall return a true account of the number of arms and quantity of military stores by him delivered to the several sheriffs to the next General Assembly.

VIII. And be it further enacted by the authority aforesaid, That nothing in this Act contained shall preclude the officers and soldiers belonging to the continental line of this State from drawing rations and forage due them until the same is made.

CHAPTER XIV.

An Act to amend an Act passed in the year of our Lord, one thousand seven hundred and forty-one, intituled, An Act concerning Servants and Slaves.

I. Whereas the mode directed in the said Act for the trial of slaves where the offence may be of a small and trivial nature is found to be attended with delay, great loss of time, and expence to the owner; For remedy whereof,

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That where any slave or slaves shall hereafter commit any misdemeanor or offence which is not by law declared capital, and which in the opinion of the justice or justices before whom such offending slave may be carried for examination, shall appear to be of so trivial a nature as not to deserve a greater punishment than a single justice of the peace is by this Act impowered to inflict,

such justice shall, and he is hereby authorised and impowered forthwith to issue subpoenas if necessary, to compell the attendance of witnesses, and proceed immediately upon the trial of such slave in a summary way, and to pass sentence and award execution; provided the punishment extends no further than by ordering the offender to be publicly whipped not exceeding forty lashes: And where the offence for which any slave shall be apprehended shall appear to the justice or justices to be of such nature as to deserve any other or greater punishment, such offending slave shall be committed to gaol, and stand his or her trial by a court in the way prescribed by the afore recited Act.

III. Provided, That upon all trials of slaves before any justice of the peace, for any misdemeanor under this Act, any other of the justices of the county where such slave may be upon trial, may, if they think proper, sit upon and assist in the examination and trial.

IV. And whereas the laws now in force in this State are not sufficient to prevent the bainful practice of free persons trading or trafficing with slaves; Be it therefore enacted by the authority aforesaid, That if any free person whatsoever shall hereafter presume to buy, or receive from any negro or other slave any commodity whatsoever, without leave of the owner or overseer of such slave in writing, the person or persons so offending shall for every offence forfeit and pay the sum of forty shillings specie, over and above the value of the article purchased or received by them, to be recovered by the owner or overseer of such slave, before any jurisdiction having cognizance thereof.

V. Provided nevertheless, That on the failure or neglect of the person owning or overlooking such slave, any other person may sue for and recover such fine, and apply the same unto his own use, after giving the owner or overseer aforesaid one month's notice.

CHAPTER XV.

An Act to vest the Courts of the several Counties in this State with power to call to account, as therein mentioned, the Commissioners of Confiscated Property for their respective Counties.

I. Whereas it may be necessary that the courts of the respective counties in this State be vested with power to call to account the commissioners of confiscated property, where such have been appointed;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the courts of each respective county within this State shall, and are hereby declared to be fully impowered, and strictly required and enjoined, to cause that the commissioners of confiscated property, sheriffs, and other officers having confiscated property in his or their possession for their counties, make return to the court on oath, at the first court which shall happen after the first day of August next, of all and every species of public property which may have come to their hands, or being in their possession as commissioners aforesaid, together with an account of the disposal of such property, setting forth to what use or uses each individual part thereof hath been appropriated, one fair copy of which shall be filed by the clerk of such court in his office, and one other fair copy shall be by such clerk transmitted to the comptroler general, under pain of forfeiting for each neglect the sum of twenty pounds specie.

III. And be it further enacted by the authority aforesaid, That in case of the neglect or refusal of any commissioner, sheriff, coroner, or other officer, to appear and make return as aforesaid when thereto required, the court of the county in which such commissioner resides shall make report thereof to the attorney general, who shall thereupon commence an action for the forfeiture of such officers' bonds, which report shall on trial be deemed as sufficient testimony against such officers.

IV. And in order to enable the county courts to do the more ample justice to the public, and the more fully to investigate the several matters and things coming under their cognizance by virtue of this Act, Be it enacted, That they shall, and are hereby declared to have full power and authority to call before them, and examine on oath all and everyy person or persons whom they may think proper, touching the conduct of the officers aforesaid, and after such examination had, shall proceed as to them shall seem just.

V. And be it further enacted by the authority aforesaid, And it is hereby declared, that this Act shall not be construed as impowering the county courts finally to adjust and settle the accounts of such commissioners and other officers, but that the same shall be settled and adjusted by the comptroler general of this State.

CHAPTER XVI.

An Act to amend an Act passed at Newbern, the fifteenth day of November, in the year one thousand seven hundred and seventy seven, for making provision for the poor, and other purposes.

I. Whereas it appears to this Assembly that the before recited Act does not answer the good purposes that were thereby intended, whereby many of the poor people of this State who are proper objects of charity are suffering for want of necessary supplies for their support;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the overseers of the poor in each county in this State are hereby directed to lay a tax annually, not exceeding one shilling specie, on every hundred pounds value of taxable property within their respective counties; and also a sum not exceeding one shilling specie on every person liable to pay a poll tax within the same; which tax shall be collected and applied, and be under the same rules and restrictions as the tax that was mentioned in the before recited Act.

III. And whereas it appears to this Assembly that there are no overseers of the poor elected in many counties of this State, and that they have not qualified according to law in others; Be it therefore enacted by the authority aforesaid, That in all such counties as have not elected according to law, the sheriffs shall, within seven months after the passing of this Act, summons the inhabitants to elect and choose seven good and sufficient freeholders, to act as wardens of the poor, and all such overseers as have been elected, and not qualified according to law, shall within the same time meet at the court house and qualify, after which they shall be under the same rules, regulations and restrictions, as those who have heretofore qualified according to law.

IV. And be it further enacted by the authority aforesaid, That all persons duly elected, and on notice from the sheriff refusing to qualify, shall forfeit and pay the sum of ten pounds specie, to be sued for and recovered in any court of record, by the county trustee, in an action of debt, and the money so recovered to be applied to the use of the county.

V. And be it further enacted by the authority aforesaid, That from and

after the passing this Act, the overseers of the poor shall be stiled and called wardens of the poor, and shall in every thing be under the same rules and regulations, and enjoy the same rights and privileges as the overseers of the poor heretofore have or might have had.

VI. And be it further enacted by the authority aforesaid, That so much of the before mentioned Act as comes within the purview of this Act, is hereby repealed and made void.

CHAPTER XVII.

An additional Act to an Act intituled, An Act to establish a Department for adjusting and liquidating the public accounts of this State, and for appointing a Comptroler, and other purposes.

Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Comptroler be, and he is hereby impowered and authorised to administer an oath or affirmation to accountants and witnesses in support of the justice of such accounts as may be exhibited to him for liquidation, and certify the same accordingly.

II. And be it further enacted by the authority aforesaid, That the comptroler shall, and he is hereby directed to transmit to the attorney general once in every six months after the passing of this Act, a list of the balances which shall appear to him to be due to the public from any of the inhabitants of this State, and which ought to have been paid previous to such settlement, together with a copy of the account by him raised against such debtors, with the necessary vouchers in support of the same, and the attorney general shall thereupon immediately commence and prosecute suits against such debtors for the recovery of their respective balances, in the speediest manner the law will enable him to do, which suits for the balances of accounts shall be instituted in the name of the Governor for the time being, and on recovery paid to the treasurer of the district wherein the debtor resides, for the use of the public.

III. And be it further enacted by the authority aforesaid, That on every settlement by the comptroler made, where the balance shall appear to be due from the State to the accountant, the said comptroler shall certify under his hand the true state of such account, and the balance so due, and shall keep a fair copy of such certificate to be laid before the General Assembly, and in virtue of such certificate the person to whom a balance may be due, shall have an equal claim against the public with those who have, or shall obtain auditors certificates.

IV. And be it further Enacted by the authority aforesaid, That where any accounts shall be exhibited into the comptroller's office for settlement, and there shall be therein charged any article or articles the prices of which are not particularly ascertained by law, the comptroller shall make such allowances as auditors might do, and the comptroller shall be governed in every respect therein by the law respecting auditors in such cases.

V. And be it further Enacted by the authority aforesaid, That all accounts to be settled by the comptroler in virtue of this act, shall be liquidated in such manner by the scale of depreciation established by this Assembly at the present session, as that the balances both for and against the accountants shall be in specie, and shall, being so adjusted according to such scale, be sued for and recovered in specie.

VI. And, whereas, it is doubted whether the comptroler is invested with powers to settle and adjust accounts of such persons inhabitants of this state, as have received monies from the continental treasury to be applied

to the use of the public in this state, or from the treasury of this state to be applied to continental uses; Be it Enacted by the authority aforesaid, That in all such cases the comptroller be, and he is hereby authorized and impowered to settle such accounts, and therein distinguish the same so far as may be practicable, from the accounts which such persons may have for monies received from this state.

VII. And be it further Enacted by the authority aforesaid, That the comptroller for the time being shall, and he is hereby authorized and directed to call upon, and demand of the several boards of auditors, district treasurers, the commissioners of specific taxes, the commissioners superintendants, and all others concerned in the management, collection, or disposal of confiscated estates, the clerks of courts who passed the accounts of commissioners of confiscation, all persons who have acted as quarter-masters and commissaries, and all others in the staff department, as well as all other persons whatever, who have in their hands, custody or possession, any books, accounts, vouchers or other papers, belonging to the state relative to the public accounts, to the end that he may be able to make a true and just state of such accounts; and in case any person or persons in whose hands, custody or possession, such books, accounts, vouchers, or other papers may be, shall refuse or neglect to deliver the same to the order of the said comptroler, such person or persons shall forfeit and pay for each and every such neglect or refusal, the sum of one hundred pounds specie, to be recovered before any jurisdiction having cognizance thereof, by any person who shall sue for the same, to his own use.

CHAPTER XVIII.

An Act to amend an Act passed at Hillsborough, the twelfth day of May, in the year one thousand seven hundred and eighty-two, intituled, An Act for the relief of persons who have suffered, or may suffer by their deeds and mesne conveyances not being registered within the time heretofore appointed by law.

I. Whereas, by the before recited act there is no provision for the registration of grants obtained for lands entered in the late land office, under the present constitution; and whereas many good people may be greatly injured thereby,

II. Be it therefore Enacted by the General Assembly of the state of North Carolina, and it is hereby Enacted by the authority of the same, That all grants for lands entered in the late land office under the present constitution, which have not been registered within the times heretofore appointed by law, shall be admitted to registration, in the same manner, and under the same rules and regulations that deeds and mesne conveyances in virtue of the before recited act are, and shall be as good and valid, as if they had been registered within the time heretofore appointed by law, anything to the contrary notwithstanding.

III. And be it further Enacted by the authority aforesaid, That all grants of lands obtained as aforesaid, and which have been registered since the expiration of the time by law appointed for their being registered, shall be as good and valid to all intents and purposes, as if they had been registered within the time aforesaid.

CHAPTER XIX.

An Act for allowing salaries to the Governor, Secretary and other officers of state, and for other purposes.

I. Whereas, it is necessary that the principal officers of the State should have salaries suitable to the dignity of their station, and adequate to their services;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That his Excellency the Governor for the time being, be allowed after the rate of one thousand pounds specie per annum, for all his services as Governor; that the Secretary of State be allowed after the rate of one hundred and seventy-five pounds specie per annum, exclusive of such fees as are or may be established by law, in full of all expenses for public services; that each of the delegates be allowed the sum of eighty pounds specie per month during their time of travelling to and from, and attending on, Congress; that each of the judges be allowed the sum of fifty pounds specie for each and every court he shall attend; and the Attorney-General shall be allowed for every Superior Court he shall attend forty pounds specie, together with all fees by law established; that each of the public treasurers be allowed one hundred pounds specie per annum, in lieu of all commissions incident to their appointment; that each of the members of the Council of State be allowed twenty shillings specie for every day they shall employ in travelling to or from, or attending on the council board.

III. And be it further Enacted by the authority aforesaid, That the Governor shall appoint a private secretary, who shall enter into books for that purpose, all such letters written by the Governor as are official and important; also enter therein fair copies of all official letters received from our Delegates in Congress, from the President of Congress, with the acts and resolutions transmitted from that body, letters from General Washington, the commanding officer of any separate department, and such other letters and papers as the Governor may think necessary; which book or books shall be laid before the next General Assembly, and by the clerks carefully preserved in their offices: That the said private secretary be allowed two hundred pounds specie per annum, in full consideration of his services and expences incidental to his office, exclusive of such fees as he may be allowed by law for preparing and applying seals to grants of land.

IV. And be it further Enacted by the authority aforesaid, That the clerks of the Superior Courts of law and equity in this State shall be entitled to receive the same fees for all services done by them, as they were entitled to receive for the same services in the year one thousand seven hundred and seventy-three.

V. And, whereas, the nineteenth section of an Act of the General Assembly, passed in May, in the year one thousand seven hundred and eighty-two, intituled, An Act directing the sale of confiscated estates, hath been so misconstrued, as to lead the county courts into innumerable errors, and hath been found extremely injurious; and the laws heretofore in force for proceedings by attachment against absentees, and taking administration on the estates of deceased persons being fully adequate to give relief to every creditor who hath any legal proof of his demand; Be it therefore Enacted by the authority aforesaid, That the said nineteenth section, or clause of the said Act, intituled, An Act directing the sale of confiscated estates, be, and the same is hereby repealed, and declared null and void.

VI. And, whereas, it has pleased the Almighty God to bless the United

States with peace, and a happy intercourse with all the subjects of the King of Great Britain; Be it therefore Enacted by the authority aforesaid, That an Act, intituled, An Act to impower the Court of Admiralty of this State to have jurisdiction in all cases of capture of the ships and other vessels of the inhabitants and subjects of Great Britain, to establish the trial by jury in the said court in cases of capture, be suspended till the end of the next General Assembly.

CHAPTER XX.

An Act for facilitating the navigation, and regulating the pilotage of the several ports of this State.

I. Whereas, the commerce of this state has been greatly injured by the imposition, extortion, insufficiency and negligence of pilots, and for want of staking out the channels within the ports of Bath-Town, Roanoke, Beaufort and Brunswick; for remedy whereof,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Nathan Keais, Thomas Alderson, Richard Blackledge, John Bonner and John Gray Blount, esquires, be and are hereby appointed commissioners for port Bath; Josiah Collins, William Bennet, Nathaniel Allen, Joseph Blount and William Littlejohn be, and they are hereby appointed commissioners for port Roanoke; and Richard Ellis, James Green, Spiers Singleton, Thomas Ogden and John Jones, esquires, be and they are hereby appointed commissioners for port Beaufort; to contract with proper persons to examine from time to time the situation of the swash, and to keep the same and all other channels leading from Occacock bar to Washington, Edenton and Newbern, well and sufficiently staked out, and to erect beacons at Occacock, Beacon Island, Coor Banks, and all other such places as the said commissioners shall think most convenient for the safety of vessels.

III. And be it further Enacted by the authority aforesaid, That the following taxes shall be paid by the master or owner of each vessel that shall enter in either of the said ports of Bath, Roanoke, Beaufort and Currituck, to the naval officers of the respective ports, that is to say: for every vessel of fifty tons and under, ten shillings; every vessel above fifty tons, and under one hundred tons, twenty shillings; and for every vessel above one hundred tons, thirty shillings, specie.

IV. And be it further Enacted by the authority aforesaid, That the said commisioners, or a majority of them in each respective port, shall have full power and authority to examine pilots touching their qualifications, and upon their approbation to grant them a certificate or certificates to pilot vessels in all or any of the respective ports aforesaid; and in case any person shall pretend to pilot or take charge of any ship or vessel without having passed an examination as aforesaid, and obtained a certificate for so doing, and also giving bond in manner as is hereafter directed, shall forfeit and pay for each and every offence, the sum of twenty pounds specie.

V. Provided nevertheless, That no person shall be subject to the said penalty who shall obtain a certificate of his qualification as aforesaid, within three months from and after the passing of this act.

VI. And be it further Enacted by the authority aforesaid, That all pilots heretofore appointed, or that shall be hereafter appointed, shall give bond in the sum of one hundred pounds specie, with two good and sufficient securities to the respective commissioners of the several ports before mentioned, in which they shall act as pilots, conditioned for the true and faithful dis-

charge of their duty; and that negroes after undergoing an examination before the commisioners aforesaid, shall be intitled to a certificate to act as pilots, upon their master's giving bond with good security in the manner herein directed.

VII. And be it further Enacted by the authority aforesaid, That there shall be paid and allowed to every pilot who shall take charge of any ship or vessel, the following pilotage, that is to say: for every ship or vessel from the outside of the bar of Occacock into Beacon Island Road, two shillings specie per foot, for every vessel that draws nine feet water or less; and for every ship or vessel that draws more than nine, and less than ten feet water, two shillings and six pence specie per foot; and for every vessel drawing ten feet water and upwards, three shillings specie per foot; and that the same sums be allowed to pilots for pilotage outwards as inwards.

VIII. And be it further Enacted by the authority aforesaid, That when any pilot shall board any vessel at sea, and offer his service to any master of a vessel bound into Occacock Inlet, he shall be intitled, although the master of such vessel shall refuse to employ him, to the same fees which he would have been intitled to if he had taken charge of the said vessel, and the master shall be obliged to pay the same accordingly; and if any ship or vessel coming into the said inlet of Occacock and taking a pilot on board, shall be by contrary winds or otherwise drove off the coast, the master or owner of such vessel shall allow and pay the said pilot three shillings and six pence specie per day for each and every day he shall be on board the said vessel, over and above his pilotage.

IX. And be it further Enacted by the authority aforesaid, That when any branch pilot shall see any vessel on the coast, having a signal for a pilot, and shall neglect or refuse to go to the assistance of such vessel, on proper proof being made of such neglect or refusal, shall forfeit and pay the sum of twenty pounds specie, to be recovered by action of debt in any court of record in this state, the one-half to the informer and the other half to the master or owner of said ship or vessel.

X. And be it further Enacted by the authority aforesaid, That there shall be paid and allowed to every pilot who shall take charge of any ship or vessel from Beacon Island Road, that draws six feet water or less, to Washington or Bath-Town, thirty shillings specie; for every vessel that draws above six feet water, six shiling specie per foot; and for every vessel from Beacon Island Road, that draws six feet water or less to Edenton, three pounds specie; and for every vessel that draws above six feet water, ten shillings specie per foot; and for every vessel that draws six feet water or less, from Beacon Island Road to Newbern, thirty-six shillings specie; for every vessel drawing above six feet water, seven shillings specie per foot.

XI. And be it further Enacted by the authority aforesaid, That any pilot appointed as is hereinbefore mentioned who shall demand or exact any larger sum of money than is by this Act directed and appointed, shall forfeit and pay the sum of twenty pounds specie; provided that suit is brought or prosecuted within one year after such demand or exaction made, and not afterwards.

XII. And be it further Enacted by the authority aforesaid, That each of the naval officers herein appointed to collect the taxes on vessels in the several ports aforesaid, shall before he enters on the said office give security in the sum of three hundred pounds specie, to the commissioners of the said ports, respectively; and the naval officer of port Currituck shall give security in the like sum of three hundred pounds specie to the commissioners of port Roanoke; for the due performance of the trust reposed in them, and for the ac-

counting with, and paying to the said commissioners as often as required, all such sum and sums of money as shall be from time to time by him received; and if either of the said naval officers shall refuse to give such security, It is hereby Enacted, That the said commissioners of that port shall and may appoint another receiver or receivers in his or their place or stead, who shall have full power and authority to receive the said tax, giving such security to the commissioners of the port where he is so appointed.

XIII. Provided, nevertheless, That no ship or vessel coming in at Old Topsail, Bogue, or Currituck inlets, shall be subject to the payment of the tax for the support of the stakes as aforesaid.

XIV. And be it further Enacted by the authority aforesaid, That each receiver shall in his port have full power and authority to go on board of any vessel in order to measure and ascertain the burthen of such vessel, and shall likewise have power and authority to examine on oath the master of any vessel for that purpose.

XV. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, no naval officer of either of the said ports shall clear out any vessel till the master shall have produced to him a certificate from the receiver of the said tax of his having paid the same, under the penalty of twenty pounds specie.

XVI. And be it further Enacted by the authority aforesaid, That the expence of setting up beacons at Occacock, Beacon Island and Coor Banks, and the staking out the swash, shall be discharged by the commissioners hereby apointed for the several ports in the proportion following, that is to say: the commissioners for port Roanoke shall pay two-fifths of the said charges and expences, and the commissioners for the port of Bath, and for the port of Beaufort shall pay the other three-fifths of the said charges and expences, out of the monies by them received in proportion to the sums received in the said ports of Bath and Beaufort, and the expences of staking out the other channels leading to the said ports shall be severally paid by the commisioners of each respective port to which the said channels lead.

XVII. And be it further Enacted by the authority aforesaid, That upon the death, removal, or refusal of any of the said commissioners or receivers to act, the remaining commissioners of each respective port shall and may choose and appoint another commissioner or receiver in the said port, in the room of the commisioner or receiver so dying, removing, or refusing to act.

XVIII. And be it further Enacted by the authority aforesaid, That no master or other persons belonging to any vessel trading to this State shall cast or throw overboard into any channel or rivers within this State, any stones or other ballast whatsoever, any oysters or oyster shells, under the penalty of one hundred pounds specie for every such offence; and if any person or persons shall wilfully pull down any beacon, stake or other mark, erected or placed in virtue of this Act, he or they shall for every such offence forfeit and pay fifty pounds specie.

XIX. And be it further Enacted by the authority aforesaid, That the said commissioners as often as they are required, shall account with the General Assembly for such money as shall be by them from time to time respectively received, and shall have such allowance for their expences actually disbursed as shall appear reasonable.

XX. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the commissioners hereby appointed for port Bath, port Roanoke and port Beaufort, to demand and receive from the receivers of the duty of the tonage of vessels all such sum and sums of money as shall at the time of passing this Act be in his or their hands, arising from the

said duty, and for them to apply the same towards amending and improving the navigation of the said ports in such manner as to them shall seem necessary and convenient.

XXI. And be it further Enacted by the authority aforesaid, That the commissioners appointed by this Act for port Bath, port Roanoke and port Beaufort, are hereby authorised and impowered to demand of the late commisioners, the survivor or survivors of them, an account of the monies received by him or them, by virtue of this Act or their office, and also of all monies paid for the services expressed and before recited in this Act, and if there should be any balance remaining in his or their hands, to pay the same to the commissioners herein appointed, under the penalty of one hundred pounds specie, to be recovered in the Superior Court of the district, by action of debt by the commissioners herein named, and applied towards the purposes of this Act, and the commissioners herein named and appointed are authorised and impowered to settle with, and shall pay any balance that may appear to be due to the former commissioners, or any of them, for any sums by them advanced.

XXII. And be it further Enacted by the authority aforesaid, That each and every fine imposed by this Act, shall be recovered by action of debt in any court of record having cognizance thereof, one-half to the person suing for the same, the other half to the commissioners where the offence shall be committed, to be by them applied toward staking out the channel as aforesaid.

XXIII. And be it further Enacted by the authority aforesaid, That there shall be paid and allowed to every pilot who shall take charge of any ship or vessel from the outside of Old Topsail bar to Bourden's or Shackelford's banks, two shillings specie per foot for every vessel that draws nine feet water or less; and for every ship or vessel that draws more than nine, and less than ten feet water, two shillings and six pence specie per foot; and for every vessel drawing ten feet water and upwards, three shillings specie per foot; and that the same sums be allowed to pilots for pilotage outwards as inwards.

XXIV. And be it further Enacted by the authority aforesaid, That John Easton, David Cooper, Enoch Ward, William Thomson and Malachi Bell, esquires, be and are hereby appointed commissioners for Old Topsail inlet navigation, and are hereby vested with all the powers and authorities with respect to the pilots and pilotage of the said Old Topsail inlet and its navigation which are given to the other commissioners by this Act appointed.

XXV. And be it further Enacted by the authority aforesaid, That when any ship or vessel shall arrive in any of the ports in this State, with the smallpox or other infectious disorder on board, the master and pilot of such ship or vessel shall give immediate information thereof to the commissioners of navigation of the port at which they arrive, and the said commissioners, or any three of them, are hereby impowered and directed to order and command the master of such ship or vessel to perform quarantine with his said ship or vessel at such place, and for as many days as they may think necessary, and if the said pilot or master shall neglect or refuse to give such information, the pilot for such neglect shall forfeit and pay the sum of fifty pounds specie, and the master for the like neglect shall forfeit and pay the sum of one hundred pounds specie; and in case the master of any ship or vessel having any infectious disorder on board shall refuse to comply with, or fail to fulfill the orders of the commisioners for performing quarantine with his vessel as aforesaid, he shall forfeit and pay the sum of five hundred ponds specie, to be recovered by action of debt in any court of record in

this State having cognizance thereof, to be applied in the same manner as other fines are in this Act directed.

XXVI. And, whereas, the different acts in force for regulating the pilotage of Cape Fear River require amendment and alteration, the act for that and other purposes, passed at Newbern the fourth day of December, one thousand seven hundred and seventy-seven, being now expired, which revives the before-mentioned acts; and, whereas, it is now become necessary that a new set of commissioners to regulate the pilotage of Cape Fear River be nominated and appointed; Be it Enacted by the authority aforesaid, That William Purviance, Robert Shaw, Norman Harrison Chivers, William Hill, John Albin Campbell, Parker Quince, William Campbell, James Read and John Hust be and they are hereby appointed commissioners for regulating the pilotage and navigation of Cape Fear River, and they or a majority of them are hereby authorised and impowered from time to time to examine such and so many pilots as shall offer themselves, or consent to be pilots for the said river, not exceeding ten in number, who shall be appointed by commissions from the governor or commander-in-chief for the time being, who for that purpose shall lodge blank commissions in the hands of the said commissioners, and they shall fill up the same with the names of such persons as they shall from time to time approve.

XXVII. And be it further Enacted by the authority aforesaid, That any number of pilots not exceeding four, may be appointed as aforesaid to attend the bar of Cape Fear River, and to pilot vessels coming up from, and going down to Brunswick, and no higher; who may take and receive in gold or silver, rating Spanish milled dollars at eight shillings, the same nominal sum for such services as are directed to be paid in proclamation money by an Act intituled, An Act to amend an Act intituled, An Act for regulating the pilotage of Cape Fear River, and for other purposes, passed in November, one thousand sevn hundred and sixty-six; and that any number of pilots not exceeding four may be appointed as aforesaid to pilot vessels from Brunswick to Wilmington, and from Wilmington to Brunswick, who shall and may receive the following rates, to-wit: If from Brunswick to Wilmington and back again to Brunswick, one-half of the before mentioned sums; if to the flatts and back again to Brunswick, one-fourth of the said sums, according to the draught of water such vessel shall draw.

XXVIII. And be it further Enacted by the authority aforesaid, That two pilots may be appointed to attend the bar of the New Inlet, and to pilot vessels through the said inlet and up to Brunswick, and no higher, and from Brunswick out at the said New Inlet; who may take and receive two third parts of the fees to which pilots are by this act intitled for bringing vessels over the bar and up to Brunswick as aforesaid, according to the draught of water such vessel shall draw.

XXIX. And be it Enacted by the authority aforesaid, That the commissioners for the pilotage of Cape Fear River shall affix true copies or tables of the several rates of pilotage as before limited, at the naval office and at Fort Johnston, as soon as an officer shall be stationed there, that masters of vessels and others concerned may have recourse thereto.

XXX. And as the erecting of beacons and buoys at the mouth of Cape Fear River, and staking the channel of the said river, would greatly facilitate the navigation thereof, Be it therefore Enacted by the authority aforesaid, That a duty of three pence per ton be, and is hereby laid on all vessels coming into the port of Brunswick to unload goods or to take in a cargo, for and during the term of three years from and after the passing of this Act, but not to commence until the first day of July next, which duty the naval

officer of the port is hereby directed and impowered to receive, but before the receipt of any of the duties, the said naval officer shall give bond with sufficient security to the governor or commander-in-chief for the time being, in the sum of one thousand pounds, conditioned that he will well and truly account with, and pay to the said commissioners, or their orders, when thereto required, all such sums of money as he shall receive by virtue of this Act, first deducting thereout five per cent. for receiving the same; and in case of a breach of the condition of the said bond, the same shall be put in suit, and the monies recovered therein be applied by the said commissioners in the same manner as the duties if paid to them would have been, that is to say, in erecting beacons, buoys and stakes, in manner hereinbefore mentioned; and the said bond shall be lodged with the clerk of the Superior Court of Wilmington, who is hereby directed to receive the same and give a promisory receipt to the commissioners to be accountable for it.

XXXI. And be it further Enacted by the authority aforesaid, That every master or commander of any ship or vessel liable to pay the said duty, shall render to said commissioners or one of them, a certificate signed by himself, specifying the amount of the duty with which he shall be charged, and which he shall pay by virtue of this Act, and every such master refusing or omitting to give such certificate before he shall have cleared out in the naval office, shall forfeit and pay the sum of fifty pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof, in the name of the commissioners, and to be by them applied to the same uses to which the duties aforesaid are applicable, and the said commissioners shall carefully keep the said certificates as a check on the receiver of the said duties, and the said receiver shall render to the commissioners on oath an account of all sums by him received for duties as aforesaid.

XXXII. And be it further Enacted by the authority aforesaid, That in case any New Inlet pilot should cruise off the main bar, and no bar pilot should be off when any vessel appears who may be coming into Cape Fear, it shall and may be lawful for such New Inlet pilot to bring in such vessel, for which service he shall be intitled to half the fees which such bar pilot would have been intitled to had he brought in such vessel, the other half to be paid to the bar pilots in equal proportions, and the same regulations shall extend to bar pilots cruising off the New Inlet; any law or usage to the contrary notwithstanding.

XXXIII. And, whereas, it is customary for masters of vessels who are acquainted with the bar of Cape Fear River, the New Inlet and the river up to Wilmington, to bring their vessels over the bar and up to the said town without employing a branch pilot; and it being necessary to give good pilots every possible encouragement, Be it therefore Enacted by the authority aforesaid, That when any master of a vessel shall refuse a pilot in any part of Cape Fear River from Wilmington, or to go out of either of the said inlets, then such pilots so refused shall be intitled to the full pilotage in the same manner as he would have been had he been employed for the purpose of piloting such vessel, any law, custom or usage to the contrary notwithstanding.

XXXIV. And, whereas, it is necessary that the pilots of Cape Fear River should live as near the mouth of the said river as possible, in order to be ready on all occasions when any vessel may appear off the bar, and there being no situation so convenient as the ground which belongs to the public on which Fort Johnston stood; Be it therefore Enacted by the authority aforesaid, That every bar pilot of Cape Fear River shall, and he is hereby impowered to build such house or houses for the conveniencies of himself and

family on the public ground, and for his houses, yards and gardens, may have an acre of the same for his own use, with the liberty of inclosing the said acre, or any part thereof, to hold to such pilot during the time he shall continue in office; and in case such pilot shall die in office, his family shall and may continue in possession of such acre of ground and premises for and during the term of seven years from and after the death of such pilot. Provided always, That none of the pilots shall lay off such acre of ground so near sight of Fort Johnston, so as to interefere with any fortification that may hereafter be erected, of which the commissioners of the pilotage of Cape Fear River are required to take notice, so as to prevent any inconvenient encroachments.

XXXV. And be it further Enacted by the authority aforesaid, That an Act intituled, An Act for regulating the pilotage of Cape Fear River, and other purposes, made in January and February, one thousand seven hundred and sixty-four; An Act intituled, An Act to amend an Act, intituled, An Act for regulating the pilotage of Cape Fear River, and other purposes, made in November, one thousand seven sundred and sixty-six; and an Act intituled, An Act to amend an Act, intituled, An Act for regulating the pilotage of Cape Fear River, and for other purposes, made in November, seventeen hundred and seventy-one are hereby declared to be, and have been in full force, in the same manner as they were at the passing of the said last mentioned Act, except where they have been altered by this present Act of the General Assembly, and excepting the thirteenth and fourteenth sections of the first mentioned Act, directing the duty of the commander of Fort Johnston and such other parts of the said Act which requires a bill of health at the naval office before entry, which are and must remain quiescent until an officer shall be stationed at the said fort.

XXXVI. And be it further Enacted by the authority aforesaid, That if the person appointed by this Act to receive the duties on vessels coming into Cape Fear River should neglect or refuse to give security in manner by this Act directed, the said Commissioners shall and may appoint another receiver of the said duties, who shall give bond as aforesaid, and shall be liable to the same penalties and mode of recovery as is hereinbefore directed; and if the said duties should be found more than sufficient for the purposes in this Act expressed, the commissioners shall apply the surplus at their discretion in amending the navigation of Cape Fear River.

XXXVII. And be it further Enacted by the authority aforesaid, That all fees, sums of money, penalties and forfeitures, in the three Acts of Assembly, in the clause but one immediately preceding this section therein particularly recited, and mentioned as proclamation money, are hereby declared to be the same nominal sums and of the same real value as gold and silver, rating Spanish milled dollars at eight shillings; and any action or actions commenced or prosecuted on any bond, penalty, or forfeiture in any of the said Acts mentioned, shall be commenced and prosecuted for gold and silver at the rates aforesaid; any law or usage to the contrary notwithstanding.

XXXVIII. And be it further Enacted by the authority aforesaid, That all and every Act and Acts of Assembly, or any clause or clauses of acts coming within the purview of this Act, and not herein particularly confirmed, be and the same are hereby repealed and declared void and of no effect.

XXXIX. And be it further Enacted by the authority aforesaid, That the naval officers or other receivers of the duties imposed by this Act on vessels coming into the ports of Bath Town, Roanoke, Beaufort and Currituck, shall have and receive the sum of five per cent. on all sums by them collected as commissioners for receiving and collecting the same.

CHAPTER XXI.

An Act for appointing an agent and holding a treaty with the Cherokee Indians, and for other purposes.

I. Whereas, holding treaties and appointing one or more agents to keep up a continual friendly correspondence with the said Indians, may prevent future wars, and save expence of blood and treasure;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That his Excellency, the Governor, as soon as may be shall hold, or by such persons as he shall commissionate for that purpose, cause to be held a treaty with the Chickamawga and Over-Hill Cherokees, and also with the Cherokees of the Middle and Valley settlements, at the Long Island on Holston River; and his Excellency the Governor is hereby impowered to cause the musket powder belonging to this State, or so much thereof as he shall think necessary, not exceeding one thousand weight, to be removed to the frontiers convenient to the place where the said treaty shall be held, and to give the said powder, or cause the same to be given in presents to the said Indians; and his Excellency the Governor is hereby impowered to issue warrants on the treasury for any sum not exceeding two thousand five hundred pounds specie, and cause the same to be laid out in the purchase of goods suitable for the said Indians, and the same goods to give or cause to be given in consideration of the lands by the said Indians to be ceded to the State, and also to issue warrants on the treasury for the sum of one thousand pounds specie, to defray the expences of removing the said powder and goods, and the purchase of necessary provisions for the support of the said Indians, attending the treaty, and other expences thereof: And a full and accurate account of all expenditures, articles, stipulations, cessions, agreements and proceedings of the said treaty, wherein this State is or may be interested, shall be laid before the next General Assembly.

III. And be it further Enacted by the authority aforesaid, That Joseph Martin be, and he is hereby appointed agent in behalf of this State for the Chickamawga and Over-Hill Cherokees, and for the Cherokees of the Middle settlements and Valley towns; and the said agent shall visit the Indians under his agency in their own country once in six months, shall deliver to them messages from the Governor, receive their talks, record them in his journal, record in the like manner such public talks as he without order may deliver them, and send copies of both to the Governor.

IV. And in order that all the dealings and intercourses with the said Indians may be carried on in the most friendly and upright manner, and every fraud and imposition as far as possible prevented, Be it therefore Enacted by the authority aforesaid, That no person whatsoever shall deal or traffic with the said Indians within the limits of this State, without license first had and obtained from the Governor for the same, and that these licences shall be granted only to men of the most upright and unexceptional honest characters, and shall not authorize any person obtaining them to trade with the said Indians for any longer time than one year, and those be annually received and obtained.

V. And be it further Enacted by the authority aforesaid, That every person obtaining such licence, shall pay for the same to the Governor the sum of five pounds specie: And if any person shall without such licence presume to deal with the said Indians within the limits of this State, he shall forfeit and pay fifty pounds specie for the first offence, and one hundred pounds specie for every subsequent offence, one-half to the use of the

public, the other half to him or them that shall prosecute for the same, to be recovered by action of debt, bill, plaint, or information, in any court of record.

VI. And be it Enacted by the authority aforesaid, That the said agent shall be allowed one hundred pounds specie per annum for all services.

VII. And be it further Enacted by the authority aforesaid, That all attornies practicing in any of the Superior or Inferior Courts of this State, shall take no other fees than what were allowed them in the year one thousand seven hundred and seventy-three; and in case any attorney shall, under any pretence take any greater fees, upon information being made to the court where the said attorney may practice, the court is required and directed to call or summons the parties before them, and if the charge be supported against such attorney, the said court may fine the offender in any sum not exceeding twenty-five pounds for the first offence; and in case any such attorney will persist in taking extortionate fees, it shall and may be lawful for such county or superior court to silence such attorney; any law, usage or custom to the contrary notwithstanding.

CHAPTER XXII.

An Act for repealing two Acts of the General Assembly therein mentioned.

I.* Whereas, an Act of the General Assembly passed at Wake Court House, impowering Congress to levy a duty of five per cent. ad valorem, on all foreign merchandize imported into this State, which Act was not to be in force nor take effect until the States from New Hampshire to North Carolina, both inclusive, had invested Congress with the same powers and authorities as are mentioned in the said Act, and as there is no longer any probability that the said Act can be carried into effect, by reason of the refusal of some of the United States aforesaid to invest Congress with the before mentioned powers;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That an Act intituled, An Act for vesting power in the Honourable Continental Congress to levy a duty of five per cent. upon all foreign merchandize, except such articles as are therein excepted, and for other purposes, be and is hereby repealed.

III. And, whereas, an Act passed at Halifax, in the year one thousand seven hundred and eighty-one, intituled, An Act to encourage the importation of arms, ammunition and other warlike stores, and other purposes, is now become unnecessary, and if continued would be injurious to the State; Be it therefore Enacted by the authority aforesaid, That the said last recited act, be and the same is hereby repealed, and made null and void.

CHAPTER XXIII.

An Act for repealing an Act intituled, An Act for appointing a place for the future meeting of the General Assembly.

I. Whereas, the reason for holding the General Assemblies in the town of Hillsborough in preference to any other place within this State, have ceased by the restoration of peace, and all the blessings attending thereon;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the Act of the General Assembly passed at Hillsborough, the twelfth day of May, one thousand seven hundred and eighty-two, intituled, An Act for

appointing a place for the future meeting of the General Assembly, be and is hereby repealed.

CHAPTER XXIV.

An Act for the promotion of learning in the district of Wilmington.

I. Whereas, the good education of youth has the most direct tendency to promote the virtue, encrease the wealth, and extend the fame of any people, and it is the indispensable duty of every Legislature to consult the happiness of a rising generation, and endeavour to fit them for an honourable discharge of the social duties of life; and whereas it is represented that a public seminary of learning is much desired in the district of Wilmington, and that some provision is already made for such an institution;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the Honourable Samuel Ashe, Archibald McLaine, William Hill, Thomas McGuire, John Ingrum, John Hay, the Honourable Edward Starkey, John Lillington and Robert Shaw, esquires, shall be, and they are hereby declared to be a body corporate, to be known and distinguished by the title of the trustees of Innis Accademy, in the district of Wilmington; and that the said trustees shall appoint annually out of their own body a president, secretary, and treasurer of the corporation, and they, the said trustees, shall keep a public seal, and the same may alter and amend at pleasure; they shall be capable of suing or being sued at law; they may purchase lands, and the same dispose of at pleasure; they may receive donations and legacies in money, lands and other property, provided the interest, rents and nett profits of their capital, shall not at any time exceed three thousand Spanish milled dollars per annum; in general, they shall do or may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.

III. And be it further Enacted by the authority aforesaid, That the trustees having purchased or erected proper buildings for a public seminary in some convenient part of the district, shall employ one or more teachers, by the name of rector, professors and tutors, whom they may remove or displace if they should find it necessary.

IV. And be it further Enacted by the authority aforesaid, That the trustees shall appoint their public visitations of the accademy once in every six months, when they shall examine what progress is made by the several students, at which visitations they may for the encouragement of learning, give certificates to any student concerning the progress they may have made in any species of learning. Provided always, They shall not on any account grant degrees or titles, such as batchelor or master of arts, or doctor in any faculty.

V. And be it further Enacted by the authority aforesaid, That the trustees shall not in any case sell public lands, or dispose of public property unless when a majority of the board is present, or during their stated half-yearly visitations, nor then unless written notice had been given by the president or secretary to each member at least four weeks before the visitation, signifying the proposed disposition or sale.

VI. And be it further Enacted by the authority aforesaid, That on the death of any trustee, or in case any trustee should refuse to serve, or should so far neglect his duty as to absent himself from the stated or extraordinary meetings of the board for two full years, the remaining trustees, considering the seat of such deceased, refusing or absenting member as vacant,

shall at their next meeting elect some proper person to serve in his place.

VII. And be it further Enacted by the authority aforesaid, That no rector, professor or tutor, shall or may at any time be elected or chosen a trustee of the accademy; the Governor of the State for the time being, though not a trustee, may at any time of their visitations take a seat with them.

VIII. And be it further Enacted by the authority aforesaid, That the rector, professors and tutors of this accademy, and all other accademies and public schools in this State established by law, shall be exempt from military duty during their continuance in those offices, provided the number of teachers in any of the said accademies or public schools shall not exceed three. Provided also, That all scholars and students entering into the said accademy, or any other public school, and being of the age of fifteen years or under at the time of entering, shall during their continuance thereat be exempt from all military duties.

IX. And be it further Enacted by the authority aforesaid, That nothing contained in this Act shall be considered as tending to prevent the trustees from distinguishing their public hall, their museum, or their library by the names of such persons as may within twelve months give the most liberal donations to the seminary.

X. And, whereas, James Innis, late of New Hanover county, deceased, did in and by his last will and testament devise and bequeath to certain public officers therein named, the house and plantation where he commonly resided, commonly called Point Pleasant, with other lands, negro slaves, and other things in the said will mentioned, for the use of a school in New Hanover county; and whereas the said legacy and devise yet remains to be received, and the said house and other buildings on the plantation aforesaid have lately been destroyed by fire, in order therefore that the testamentary donation of the said James Innis, and all other donations, devises, and bequests, which may have heretofore been made towards erecting a school or seminary of learning in the county of New Hanover, or in the district of Wilmington, generally be applied for the good purposes for which they were intended; Be it Enacted by the authority aforesaid, That all such donations, devises and bequests, heretofore made for the purpose aforesaid, be and they are hereby vested in the said trustees and their successors forever, for the use of the seminary intended to be erected by virtue of this Act; and the said trustees are hereby impowered and required to sue for, recover and receive the same and every part thereof, and to take all lawful ways and means for that purpose.

XI. And, whereas, from the situation of the said plantation called Point Pleasant, and the want of buildings thereon to fulfill the intention of the donor, it may be found expedient to dispose of the same, and of such other real estate as the said James Innis beqeathed for the use of the school as aforesaid; Be it therefore Enacted by the authority aforesaid, That if the said trustees or a majority of them, shall judge the same expedient, they may sell and dispose of all such real estate of the said James Innis as has been devised for the use of such school, they giving such public notice of the intended sale, and such credit for purchase money, as may be necessary for the disposal thereof to the best advantage.

XII. Provided, That the trustees hereinbefore mentioned, shall previous to their entering on the execution of the trust reposed in them by this Act, give bond to the Court of New Hanover county, payable to the Governor for the time being, and his successors in office, in the sum of five thousand

pounds specie, with condition that they shall well and faithfully apply and account for all gifts, donations and monies, which they may receive in consequence, and by virtue of this Act for the purposes aforesaid.

CHAPTER XXV.

An Act for appointing the several persons therein named to lay out the streets in Upper Cambleton, in Cumberland county, and for the future regulation of the said town, and giving a further time for saving of lots in the lower town, and also for altering the name of Cambleton to Fayetteville.

I. Whereas, the confusion ocasioned by the late war, the town of Cambleton, in Cumberland county, still continues in its former irregular form, notwithstanding an Act passed at Newbern, intituled, An Act for the regulation of Cambleton, and erecting public buildings; and, whereas, the said town, from its convenience to the western settlements and the easy transportation of goods down Cape Fear River, must necessarily become a great mart for the produce of the interior country, and many of the inhabitants of the said town being now making preparation for repairing their houses, or erecting new ones, it becomes necessary that the streets should be regulated without delay, so as to occasion as little expence and inconvenience as possible to the proprietors of lots and houses; and, whereas, it is found by experience that appointing commissioners for the purposes aforesaid who reside in the said town, will not answer the intention of this Act, the jarring interest of different parties preventing them from agreeing upon any one plan; for remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the town of Cambleton shall be called and known by the name of Fayetteville, and the two parts thereof shall be distinguished by the name of the upper and lower town; and that Thomas Wade, James Gillispie, John Hay, Thomas Owen, Ambrose Ramsay, Matthew Jones, and Thomas Person, esquires, or a majority of them be, and they are hereby apointed commissioners for laying out the streets of the said town in the most regular and convenient manner in which the same can be done and with as little injury to the proprietors of lots and houses therein as may be, and that the principal streets be one hundred feet wide, and all other streets as wide as the particular situation of houses and lots will admit; and the said commissioners or a majority of them are hereby directed to lay out a square or squares for public buildings, in such part of the said town as may be found most eligible, and of such ground as may be offered for that purpose by any of the proprietors, and take a conveyance or conveyances of the same for the use or uses for which such square or squares shall be laid off, and set apart.

III. And, whereas, it may be convenient and necessary to lay out streets so as to include houses and lots, or part of lots, and many of the lots in the said upper town are very small and irregular, and run back diagonally from the streets as they now stand, and may probably continue much in the same direction when the streets shall be laid off as by this Act directed; Be it therefore Enacted by the authority aforesaid, That the commissioners of the said town shall avoid as much as possible the laying out streets so as to include houses which they may deem of any considerable value, and where it may be necessary to lay out streets which may include the whole or any part of any lot or lots, the same portion of ground which the proprietor or

proprietors thereof now possess shall be laid joining the new street, in the most convenient form so as to contain the same number of square feet which such proprietor or proprietors now possess respectively, and the lots behind such lots so to be laid off, shall go backwards progressively, untill all the lots shall be laid out according to the plan to be established in virtue of this Act, and when the streets and lots shall all be laid off and ascertained as aforesaid, the commissioners shall cause the back lots (which they are hereby directed to take from ground not hitherto laid out into lots) to be valued by a jury of six freeholders, three to be chosen by the proprietors of the ground and three by the commissioners, such freeholders to be indifferent with respect to the parties concerned, who are directed and hereby impowered to summons them to attend and value upon oath, to be administered by the said commissioners or some of them, the back lots; which oath shall be in the following form, to-wit:

"You and every one of you shall well and truly appraise the lot of ground now shewn you, containing in width —— feet, in length —— feet, according to the best of your judgment, to the sum of money which would have been its real value previous to the passing of an Act intituled, 'An Act for altering the name of Cambleton to Fayetteville, and for appointing commissioners to lay off streets for the regulation of the upper town, and for giving a further time for saving of lots in the lower town."

IV. And be it further Enacted by the authority aforesaid, That the said commissioners in their discretion shall give such time as to them shall appear reasonable for the removal of any buildings which may be situated in whole or in part, on any new street or streets to be laid off by virtue of this Act, having regard to the value and present condition of such buildings, and the cellars and chimneys, if any, which make part thereof; but during the continuance of any such building or buildings on the streets, it shall not be lawful for any person or persons whatsoever to make any repairs on the same other than such slight repairs as may be necessary to render them usefull for the purposes for which they may be intended, to be adjudged and determined by the directors of the said town hereinafter mentioned. Provided always, That such directors shall not give liberty to make any cellars, build any chimnies, or render any house habitable which is not so at present, which may be situated wholly, or in part on any new street.

V. And be it further Enacted by the authority aforesaid, That the said commissioners shall cause an exact survey to be made of the said upper town, and a plan thereof in which shall be mentioned all the streets, passages and lots of ground, and to whom they belong, according to the information they may receive, which plan shall be returned to the next session of the General Assembly, and lodged in the secretary's office, and a copy thereof with the clerk of the county wherein the said town is, or with the directors hereinafter mentioned, and shall each be certified by the commissioners, or a majority of them, and all sums of money which the said commissioners shall award and direct to be paid by any person or persons to any other person or persons, for or by reason of the shifting of any situation for the conveniency of commodious streets and passages, shall be certified under their hands, and the person intitled to receive the same shall and may maintain an action for the recovery, before any jurisdiction having cognizance thereof.

VI. And be it further Enacted by the authority aforesaid, That the said commissioners before entering upon their office shall take the following oath before any justice of the peace:

"I, A. B., do solemnly swear that I will well and truly, according to the

best of my judgment, and without prejudice or partiality, cause to be laid off the streets, passages and squares, in the town of Fayetteville, pursuant to the directions of this act. So help me God."

VII. And for the good government and regulation of the said town for the future, Be it Enacted by the authority aforesaid, That Robert Cockran, Robert Rowan, James Patterson, Lewis Barge, Robertson Montford, James Burges and John Ingrum, esquires, be and they are hereby appointed directors of the said town for the present year, to regulate the streets and keep the same clean and in repair, and to prevent all encroachments thereon, or nuisances in any part of the said town, and to do everything for the good government thereof agreeable to the directions of this Act, their power to commence immediately after the commissioners aforesaid shall have executed the trust reposed in them by this Act, and continue until the first Monday in January next; and on the said first Monday in January, in every successive year, all the inhabitants of the said town who shall be intitled to vote for members of Assembly, shall in presence of the old directors, and of the sheriff of the county in which the said town is situated, choose by ballot seven directors to serve for the then present year, and every director shall be resident and have a freehold in the said town, and shall have full power and authority to carry the determinations of the commissioners with respect to the removal of buildings into execution, and to prevent all repairs of such buildings otherwise than is by this Act directed; and the said directors and their successors shall be in all things a body corporate, may implead and be impleaded as such for any injury done to any public building in the said town, or for any nuisance in the streets or other parts thereof; and the yearly election shall not operate so as to dissolve the body corporate, or so as to abate any action in any court wherein the said body corporate shall be a party, and a majority of the said directors shall be deemed sufficient to determine any business of which the said directors shall have cognizance.

VIII. Provided always, That no meeting of the directors shall be held so as to decide upon any business, unless notice of the intended meeting signed by three of the directors, shall have been left at the dwelling house of each of the other directors, at least twenty-four hours before the time of meeting. And Provided further, That such notice shall not be held valid unless the director at whose house it shall be left, shall at the time of the delivery of the notice, have been absent at least three days from the said town.

IX. And be it further enacted by the authority aforesaid, That the directors shall, and they are hereby impowered to lay a tax upon the inhabitants of the said town yearly and every year, not exceeding one shilling for every hundred pounds of their taxable property, and a poll tax on every male between the ages of twenty and fifty years, whose property does not amount to the value of one hundred pounds, to be levied by an officer to be by them appointed for that purpose, and applied to keeping the streets clean and in proper repair, and towards building and keeping in repair such bridges as may be necessary; and they shall take bond with good security from each officer, payable to themselves and their successors, for the faithful discharge of his duty, and for paying all sums to be by him collected and received to the said directors; and the said directors shall appoint one of their own body to be treasurer for the receipt of the said tax, and all penalties, forfeitures and other monies by them receivable, who shall give bond in like manner with the receiver of the said tax. Provided always, That the tax to be raised in the upper town shall not be liable to be applied for keeping the streets of the lower town in order, and so vice versa.

X. And be it enacted by the authority aforesaid, That for prevention of

dangers from fire, and that the said town may be more easily kept clean and in good order, the directors may and shall make from time to time, and under such penalties as they shall choose to impose, not exceeding ten shillings for the first offence, twenty for the second, and forty for the third offence, such orders that after a fixed time to be by them limited, no wooden chimnies shall be suffered to remain in the said town, nor any hogs to run at large; and the said directors shall also lay a penalty such as they may think adequate to the offence, on all persons who wilfully or carelessly neglect to obey the directions of the commissioners for laying out the said town, with respect to repairs which may be made to houses any part of which may stand on the new streets, or refusing or declining to remove them at such time as shall be prescribed; and the directors shall and may by warrants under their hands and seals levy such fines and penalties of the goods and chattels of the offender, if any are to be found, and if not may commit him to the prison of the county, there to remain for such time as they shall limit and appoint, not exceeding ten days; and the directors may allow to the officer who shall execute their said warrant and other precepts such reasonable fees as they may think proper, not exceeding the fees which a constable by law is intitled to for serving a warrant or warrants.

XI. Provided always, That it shall and may be lawful for any person who shall think him or herself aggrieved by the judgment or determination of the said directors to appeal from such judgment or determination to the county court of Cumberland, first giving security to prosecute such appeal with effect, or in case he or she be cast therein, to pay the cost of the court, and the said court is hereby impowered and directed to determine in any summary way.

XII. And be it further enacted by the authority aforesaid, That if the tax herein before directed to be laid should be found insufficient for keeping the streets and bridges in proper repair, it shall and may be lawful for the said directors or a majority of them to oblige such of the inhabitants who live within the said town to work on the streets and bridges, and for neglect or refusal shall be liable to the same penalties, to be recovered by a warrant from the directors aforesaid.

XIII. Provided always, That the said inhabitants shall not be obliged to work on any other public roads, but shall be wholly exempt therefrom.

XIV. And whereas most of the owners of lots in the lower town have neglected to procure from the commissioners appointed by an Act passed at Newbern, on the second day of May, one thousand seven hundred and seventy-eight, intituled, "An Act for regulating Cambleton, and erecting public buildings, and granting titles for their said lots," and the confused and unsettled state of the country since that time has prevented proprietors from saving their lots agreeable to law; for remedy whereof, Be it Enacted by the authority aforesaid, That the directors appointed by this Act, and their successors, are hereby impowered and required at the request of the proprietors, and due proof being made before them, to grant conveyances for lots in the said lower town, to the apparent owner or owners, his, her, or their heirs and assigns respectively, and all such persons as possess lots in the said lower town, shall have a further time of five years from and after the passing of this Act to save their lots agreeable to the directions of the before mentioned Act, any thing therein to the contrary, notwithstanding.

XV. And be it further enacted by the authority aforesaid, That in case any owner or owners of lot or lots in the said lower town, shall by forged or fraudulent conveyances or documents induce the directors to give him, her, or them any conveyance or conveyances, for any lot or lots which does not or

do not bona fide belong to him, her, or them, in that case such conveyance or conveyances shall be adjudged void and fraudulent; any thing in this Act, or any law, usage or custom to the contrary, notwithstanding.

XVI. And that such frauds and covin may the more easily be detected, Be it enacted by the authority aforesaid, That when any person applies to the directors for a conveyance, such person shall not only prove his property, but leave his deeds, documents and proofs, with the directors, with a sufficient sum of money to pay the probate and registry thereof.

XVII. And be it further enacted by the authority aforesaid, That the clerk of the court of Cumberland county, and the register of the said county, shall hold and keep their respective offices in the said town of Fayette-Ville; and if any of the said officers shall neglect or refuse so to do for the space of six months after the passing this Act, the officer so refusing or neglecting shall for every month he shall be a delinquent, forfeit and pay the sum of five pounds, to be recovered by action of debt in the court of the said county, wherein no essoin, injunction, protection or privilege, shall be allowed or admitted, one half to the informer, the other half to the directors of the said town, for the time being, for the use of the town.

XVIII. Whereas the tobacco ware house in the town aforesaid, in the county of Cumberland, has been consumed by fire; Be it enacted by the authority aforesaid, That the court of the county of Cumberland be, and is hereby impowered and directed to levy for the year one thousand seven hundred and eighty-three, and for the year one thousand seven hundred and eighty-four, a tax not exceeding one shilling on every hundred pounds value of taxable property in the county, and upon all persons subject to a poll tax in the same proportion as taxable property is taxed, and the money arising from such tax to be applied to the purposes of building a warehouse on the lots whereon the old one stoood.

CHAPTER XXVI.

An Act for Regulating the Town of Halifax.

I. Whereas it is the interest of every State to regulate the police of its town and encourage their trade, and the laws heretofore made for regulating the town of Halifax have proved very defective, and the method in use for appointing commissioners for the town is inconsistent with the spirit of our present constitution;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That five commissioners for the town of Halifax shall be chosen annually on the second Saturday in June of every year, in the presence of two magistrates for the said county of Halifax; and every person who is a freeholder in the said town, and every freeman who has resided there for six months, and has paid public taxes, shall be qualified to vote for the said commissioners, which commissioners when chosen, shall have all the powers, and be possessed of all the rights and authorities in respect to titles to public lots or otherwise which other former commissioners had and were possessed of, so far as is consistent with the purview of this Act, any former Act or custom to the contrary, notwithstanding.

III. And be it further enacted by the authority aforesaid, That every person who is the owner of any lot in the town of Halifax, shall within six months after the passing of this Act, cause the same to be cleared from woods and brush, and he shall keep it clear; and that no inhabitant or other persons be permitted to keep hogs, goats, or other stock, to go at large within

the said town, except horses and black cattle; and no person shall strain a horse in any public street in the said town; any person offending contrary to these regulations, or any other laws for regulating the police of the town of Halifax, shall be fined by the trustees in any sum not exceeding five pounds, to be recovered before any justice of the peace, for the use of the said town; and they may appoint a clerk, who shall keep a fair and complete record of their proceedings, and be allowed for the same out of any public monies in the hands of the treasurer for the said town, such sum as the commissioners shall deem adequate to the services.

IV. And be it further enacted by the authority aforesaid, That the commissioners for the town of Halifax for the time being, shall be and in all things act as a body corporate, that may plead or be impleaded as such, and bring any action against any person whatsoever, for any injury done to any public building or lots in said town, in the same manner as any private person might do for any injury done to any private property, and the intervention of the annual election shall not be considered to dissolve the body corporate so as to abate any action depending in any court wherein the said body corporate is a party, but the new commissioners shall in every respect, to all intents and purposes (except as to any responsibility for any abuse of office) be considered on the same footing, and standing in the place of their predecessors, and a majority of the commissioners shall be deemed sufficient to decide upon any business. Provided, That no meeting of the commissioners be held to decide on any business, unless notice of the intended meeting, signed by one of the commissioners shall have been left at the dwelling house of each commissioner at least twenty-four hours before the said meeting.

V. And be it further enacted by the authority aforesaid, That the said commissioners may levy a tax on every lot in the town of Halifax, not exceeding twenty shillings specie per annum; and they may levy a tax not exceeding twenty shillings per annum, on every freeman who has been a resident for six months; and in case any person or persons thus taxed, shall refuse to pay the same during thirty days after notice of the same in writing, he or they shall be liable to an action of debt, to be brought by the said commissioners before any jurisdiction having cognizance thereof, and if judgment shall go against him the court may assess a fine on the said defendant not exceeding one half of the debt so recovered, over and above the said debt, to be also applied to the use of the said town.

VI. And be it further enacted by the authority aforesaid, That the commissioners shall appoint one of their body to act as treasurer to receive and account for all public monies for which a regular entry must be made on a book kept for that purpose, and upon the appointment of a new treasurer the old one shall immediately pass his account with him, and pay any balance there may be in his hands. Provided, That before such treasurer enters upon his office, he shall give his bond with good security payable to the commissioners for the faithful discharge of his duty.

VII. And be it further enacted by the authority aforesaid, that all hogs shall be allowed to run at large in the said town until the first day of January next and no longer, and if found at large in said town after that date shall be subject to the penalty of this Act.

VIII. And for the better determination who shall be qualified to be elected as a commissioner of the town, Be it enacted by the authority aforesaid, That no person shall be deemed qualified to act as a commissioner of the town of Halifax, unless he is an inhabitant of the said town, and hath a lot therein, with a house on the same of no less dimensions than twenty-four feet long and sixteen feet wide, with a brick chimney to it.

IX. And be it further enacted by the authority aforesaid, That each commissioner before he enters on the duties of his office, shall take, and he is hereby required to take, in the presence of one justice of the peace for the county of Halifax, the following oath: "I, A. B., do swear, that I will faithfully discharge the office and duty of a commissioner for the town of Halifax, agreeable to law and to the best of my judgment.

CHAPTER XXVII.

An Act for levying a Tax on every Hundred Pounds taxable property in the District of Halifax, for repairing the Court House and Gaol of said District.

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That four pence specie be levied on every hundred pounds taxable property in the county of Halifax, and a poll tax of four pence specie on every person whose estate is not assessed to one hundred pounds in said county; and that two pence specie be levied on every hundred pounds taxable property in the counties of Edgcomb, Northampton, Warren, Franklin, Nash, and Martin, and a poll tax of two pence on every person liable to the payment of a poll tax for the year one thousand seven hundred and eighty-three as aforesaid, to be collected as all other taxes are, and paid into the hands of the commissioners hereafter appointed for the purpose of repairing said buildings.

III. And be it further enacted by the authority aforesaid, That Willie Jones, Nicholas Long, and Daniel Pointer, or a majority of them, be appointed commissioners to receive from the sheriffs or collectors the money arising by virtue of this Act, and are hereby impowered to contract with workmen to repair the aforesaid buildings, agreeable to the true intent and meaning of this Act.

IV. And be it further enacted by the authority aforesaid, That in case there should be more money collected by this Act than is sufficient for the purposes herein intended, the overplus shall be returned proportionately to the aforesaid counties, and that the said overplus be applied towards defraying the contingencies of said counties.

V. And be it further enacted by the authority aforesaid, That the said commissioners shall give bond with sufficient security in the sum of two thousand pounds specie for the faithful discharge of the trust reposed in them by this Act, payable to the Governor for the time being and his successors in office, which bond shall be lodged in the office of the Clerk of the County Court of Halifax.

CHAPTER XXVIII.

An Act to amend an Act, intituled, An Act for regulating the Town of Edenton.

I. Whereas, by the aforesaid Act the commissioners are impowered to levy a tax not exceeding ten shillings specie per annum, on every lot in the town of Edenton, but no penalty being fixed on persons refusing or neglecting to give in a list of their lots, some have therefore refused or neglected to give any account of them, although often required by advertisement from the said commissioners; and as by the said Act the only method for recovery of taxes due, is by action of debt in a court of record, for which reason no taxes on lots can be recovered unless their owners are known;

II. Be it therefore enacted by the General Assembly of the State of

North Carolina, and it is hereby enacted by the authority of the same, That where the owner of any lot or lots in the town of Edenton shall refuse or neglect to deliver an account or list to the commissioners of said town of his lot or lots, with the numbers of them in the plan of said town, the said commissioners may, and they are hereby impowered to cause such lot or lots, after advertising them thirty days, to be sold at public vendue for the payment of the taxes due on them, and the balance, if any, arising from such sale after paying the tax due, shall be returned to the owners upon application made by them to the commissioners, first deducting the expences incident to such sale; and the said commissioners or a majority of them, are hereby impowered and authorized to grant deeds for any lot or lots so sold, which deeds shall be good and valid in law.

III. And whereas the law aforesaid directs that taxes shall only be recovered in a court or record, which is found to be inconvenient, troublesome, tedious and expensive: Be it therefore Enacted by the authority aforesaid, That where the amount of the taxes due does not exceed five pounds specie, the same may be recovered by warrant and tried before a justice of the peace, who shall have the same power which by the said law is given to any court of record in the like case.

IV. And be it further enacted by the authority aforesaid, That so much of the law aforesaid as comes within the purview of this Act, be and is hereby declared null and void.

CHAPTER XXIX.

An Act for purchasing a lot or lots in the Town of Wilmington, for the purpose of building a gaol for the District of Wilmington, and other purposes.

I. Whereas the public gaol for the district of Wilmington has been consumed by fire, and it being necessary that a new gaol be erected for the county of New Hanover and the said district, and it being found on examination that the lot whereon the gaol formerly stood was private property, and it being absolutely necessary that a lot or lots be purchased in the said town of Wilmington, by the trustees hereafter mentioned, for the purposes aforesaid;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Thomas Brown, Caleb Grainger, John James, Henry Young, Thomas Bloodworth, be and they are hereby appointed trustees for purchasing a lot or lots in the said town, and for designing, contracting, or building and finishing a sufficient gaol as to them or a majority of them, or their survivors, shall seem most proper and convenient, which gaol when so erected shall be and remain the gaol of the several counties in the district of Wilmington.

III. And be it further enacted by the authority aforesaid, That a tax of eight pence be laid on every hundred pounds value of taxable property of the county of New Hanover, and a tax of four pence specie for the space of two years, on every hundred pounds value of property on the counties of Onslow, Bladen, Duplin, Cumberland, and Brunswick, and that the same shall be assessed and collected by the same persons, and in the same manner as the public State tax in the said counties, and that the tax to be assessed by virtue of this Act, when assessed and collected shall be paid into the hands of the trustees herein named by the county treasurer of each county, for the purpose aforesaid; and on non-payment of the tax by this Act directed from

the several collectors thereof, the said collectors shall be liable to the same penalties as for other public taxes, and the said trustees, or a majority of them, shall be intitled to the same mode of recovery against the said collectors, as the public treasurers are intitled to have against them, on non-payment of the public taxes, and the money so arising shall be by the trustees, or a majority of their survivors, applied towards discharging the contracts they shall enter into for purchasing a lot or lots, and erecting the public buildings aforesaid.

IV. And be it further enacted by the authority aforesaid, That the justices of the courts of the respective counties in the said districts, shall summons every sheriff or other person to appear before them and account for and pay all sum or sums of money which such sheriff or other persons have heretofore collected by virtue of any Act of Assembly formerly in force in this State, imposing a tax on the inhabitants of the said district for the purposes of erecting a gaol in Wilmington, to be used as a district gaol, where such taxes so collected have not been heretofore accounted for and paid as by law directed; and such arrears shall be paid to the said trustees or a majority of them, to be applied as other taxes are by this Act directed to be applied; and such sheriff or sheriffs or other persons who shall be summoned and fail to attend, or attending shall fail to account and pay the sums they shall have so collected and not have accounted for, shall be subject to the same pains, penalties, fines and forfeitures, as sheriffs are liable to for failing to account for other public monies by them received.

V. And whereas by an Act passed at Newbern the twenty-fourth day of December, one thousand seven hundred and seventy-seven, intituled, "An Act to impower the courts for the counties of Tryon and Guilford to lay a tax by assessment for finishing the court house, prison and stocks, in the said counties; and also to impower the several counties in the district of Wilmington, and other purposes, a tax of six hundred pounds was laid on the county of New Hanover, and three hundred pounds on the counties of Duplin, Bladen, Cumberland, Onslow and Brunswick, for the purpose of building a gaol for the said district, have never been applied agreeable to the intent and meaning of the before recited Act; Be it therefore enacted by the authority aforesaid, That the trustees by this Act appointed call on the trustees and other persons who may have the monies in their possession to pay the same into their hands, and on refusal or neglect may have the same mode of recovery against them or either of them, as the treasurers have against the receivers of other public monies in this State.

VI. And be it further enacted by the authority aforesaid, That the trustees or a majority of them, or their survivors shall immediately proceed to the discharge of the trust by this Act reposed in them, and shall cause the said buildings to be finished within two years from the passing of this Act, and shall immediately thereafter lay an account of their proceedings on oath, before the court of each county herein named, for their proportion of all monies by them received and appropriated for the purpose of the said buildings, for their inspection, and the surplussage of the said monies if any, should be by them paid to the justices of the said several counties in proportion to the monies collected in the said counties respectively, to be applied towards the contingent charges of the said county.

VII. And be it further enacted by the authority aforesaid, That after such gaol shall be erected, when any person shall be apprehended for any offence within the district aforesaid, it shall and may be lawful for the justice or justices before whom such offender shall be examined, if he or they think it necessary, to commit such offender to the aforesaid gaol, and

the sheriff of the county for the time being, where such offender shall be apprehended, is hereby authorized and required to convey such offender to the said gaol, and deliver him or her to the sheriff or keeper thereof, and take a receipt of such sheriff or gaoler, which shall be his discharge for such prisoner.

VIII. And be it further enacted by the authority aforesaid, That after the said gaol shall be built as aforesaid, the sheriff of the county of New Hanover for the time being, is hereby directed and required to employ some person of integrity to be keeper of the said gaol, who during the time any person committed for a capital offence shall be in the said gaol, shall constantly reside in or near the said gaol, and take all lawful ways and means from preventing the escape of such offender.

CHAPTER XXX.

An Act for levying a Tax on every hundred pounds value of Taxable Property in the District of Newbern for repairing the gaol of the District.

I. Whereas the gaol of the district of Newbern is in a ruinous state, and by no means sufficient for the safe keeping of felons and others committed to the said gaol;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That eight pence specie be levied on every hundred pounds value of taxable property in the county of Craven, and a poll tax of eight pence specie on every person in the said county whose taxable property is not assessed to one hundred pounds; and that a tax of four pence specie be levied on every hundred pounds taxable property in the counties of Hyde, Beaufort, Carteret, Johnston, Dobbs, Pitt, Jones and Wayne, and a poll tax of four pence specie on every person liable to pay a poll tax within the aforesaid counties for the year one thousand seven hundred and eighty-three, to be collected and accounted for as all other public taxes in this State are directed to be collected and accounted for, and paid into the hands of the commissioners hereafter named for the purpose of repairing said buildings.

III. And be it further enacted by the authority aforesaid, That John Hawks, Thomas Sitgreaves, and John Fonville be, and they or a majority of them are appointed commissioners to receive from the several sheriffs and collectors of the aforesaid tax, the money arising thereby, and they or a majority of them are hereby authorised to contract with workmen to repair the said gaol in such manner as they shall judge necessary, agreeable to the true intent of this Act.

IV. And be it also enacted by the authority aforesaid, That in case there shall be more money collected by virtue of this Act, than is sufficient for the purposes aforesaid, the overplus shall be returned by the said commissioners to the several counties in the district, in the proportion in which it may have been paid, and by the justices of the said counties appropriated towards defraying the contingent charges of the said counties respectively.

V. And be it further enacted by the authority aforesaid, That the commissioners aforesaid before they enter upon the duties of their appointment, shall enter into bond severally in the sum of five hundred pounds specie, payable to his excellency the Governor and his successors, for the faithful discharge of the trust by this Act reposed in them, which bond shall be lodged in the county court of Craven.

CHAPTER XXXI.

An Act for repairing the Court House and Prison in the Town of Salisbury, for the District of Salisbury.

I. Whereas the district court house and prison in the town of Salisbury, is greatly decayed, and in a ruinous condition;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That John Lewis Beard, John Newnan, Maxwell Chambers and George Henry Berger, esquires, be and are appointed commissioners, and they are hereby required to agree and contract with workmen within three months after the passing of this Act, for repairing the said court house and prison.

III. And be it further enacted by the authority aforesaid, That four pence specie per hundred pounds on all the taxable property within the county of Rowan, and four pence on all taxable persons in said county who are not possessed of taxable property to the value of one hundred pounds; and that two pence per hundred pounds on all the taxable property within the counties of Anson, Surry, Mecklenburg, Montgomery, Richmond and Guilford, and two pence on all taxable persons within the last mentioned counties, who are not possessed of taxable property to the value of one hundred pounds, for the year one thousand seven hundred and eighty-three; to be levied, collected and accounted for in the same manner, and at the same times, as the taxes directed to be collected for the said year by an "Act for levying a tax by general assessment," which tax so collected, shall be paid into the hands of the said commissioners, or a majority of them, and by them shall be applied to defray and pay for the repairing of said court house and prison.

IV. And be it further enacted by the authority aforesaid, That the said commissioners or a majority of them, after the aforesaid repairing shall be compleated and finished, shall render an account of the money by them received by virtue of this Act, together with that of their disbursements, to the county court of Rowan.

V. And be it further enacted by the authority aforesaid, That the sheriffs or collectors of the respective counties within the said district of Salisbury, for the time being, shall before he or they collect or receive any part of the tax herein laid, enter into bond with two sufficient securities, to the said commissioners, for the faithful collection and payment of the aforesaid tax.

VI. And be it further enacted by the authority aforesaid, That in case the money arising by this Act should be more than sufficient to finish the said repairs, the county court of Rowan shall have it in their power to apply it towards paying for any future repairs of the said court house and prison, as they shall find necessary and expedient.

CHAPTER XXXII.

An Act for altering the time of holding of the County Courts of Pleas and Quarter sessions in the Counties of Caswell, Warren, and Edgcomb, in this State, and other purposes.

I. Whereas the time heretofore appointed for holding the county courts of pleas and quarter sessions of the county of Caswell is found inconvenient by reason of the County Court of Wake, in the district of Hillsborough being held on the same day;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of pleas and quarter sessions for the said county of Caswell, after the passing of this Act, shall be held on the following days, to wit: On the third Mondays of June, September, December, and March, annually.

III. And be it further enacted by the authority aforesaid, That every process and recognizance returnable to the said court shall be returned on the court days by this Act appointed, and all causes depending in the said court shall stand continued to the same day; any law, usage or custom to the contrary notwithstanding.

IV. And whereas the days heretofore appointed by law for holding the court of pleas and quarter sessions of Warren county are found to be inconvenient for attornies to attend said court, by reason of some of the neighbouring courts being at the same time; for remedy whereof, Be it enacted by the authority aforesaid, That the said county court of pleas and quarter sessions of Warren county, shall be held on the following days, to wit: On the last Monday in July, October, January and April; and that every process and recognizance returnable to said court, shall be returnable on the days by this Act appointed, and all causes depending in said court shall stand continued to the same days, any law to the contrary notwithstanding.

V. And whereas the days heretofore appointed by law for holding the courts of pleas and quarter sessions of Edgcomb county are found to be inconvenient for attorneys to attend the said courts by reason of some of the neighbouring courts being at the same time; for remedy whereof, Be it enacted by the authority aforesaid, That the county courts of pleas and quarter sessions for the said county of Edgcomb, from and after the first day of July next, shall be held on the following days, to-wit: The first Monday of August, November, February, and May; and that every process and recognizance returnable to the said court, shall be returnable on the days by this Act Appointed, and all causes depending in the said court shall stand continued to the same days; any law to the contrary notwithstanding.

VI. And whereas there is no court house, prison or stocks, erected in the said county of Caswell; Be it therefore enacted by the authority aforesaid, That James Saunders, Archibald Murphey and Abraham Fulkison, be and are hereby appointed commissioners for building a court house, prison and stocks, on the place by law appointed in the said county of Caswell, for the use of the said county, and for the purpose of contracting and agreeing with proper persons to compleat and finish the same, as they shall deem sufficient.

VII. And be it further enacted by the authority aforesaid, That an assessment of one shilling on every hundred pounds on all taxable property in the county of Caswell, and a poll tax of one shilling on every person in said county not possessed of one hundred pounds, to continue and be collected by the sheriff or collectors of the said county for three years, and accounted for and paid to the said commissioners at the same time, and in the same manner, and under the like penalties and restrictions, as is or may be directed for collectors accounting for and paying their public taxes.

VIII. And be it further enacted by the authority aforesaid, That before the said commissioners shall enter upon their trust, or take into their hands any of the monies to be collected by this Act, that they shall enter into bond in the sum of two hundred pounds specie, payable to the Governor and commander in chief for the time being, and his successors in office, conditioned for the faithful discharge of the trust reposed in them.

IX. And whereas James Saunders, William Moor, Thomas Harrison, John

Atkinson, and John Payne, were appointed commissioners by an Act of General Assembly, passed at Newbern the ninth day of May, one thousand seven hundred and seventy-seven, to let the public buildings in Caswell county, and have in consequence thereof received part of the tax for defraying the expences thereof; Be it therefore enacted by the authority aforesaid, That the commissioners by this Act appointed be, and they are hereby authorised, impowered, and required to call to account the former commissioners, and receive from them the tax by them collected for the purposes aforesaid, or any tax gatherer who may have the same in his hands, and upon refusal or neglect, may sue such commissioners or tax-gatherers who may have the said tax, or any part thereof, in his or their hands, and after receiving such tax, shall apply it to defraying the expences of such public buildings, and the surplus money, if any remaining in their hands, shall be paid to the court of the said county, and by them applied towards defraying the contingencies of said county.

CHAPTER XXXIII.

An Act for the relief of Thomas Clark, and other persons therein named, and to vest in them an indefeasible title to certain Lands, Hereditaments, Goods, Chattels, Rights and Credits, formerly the Estate of James Murray, and to enable them to take possession thereof.

I. Whereas, by an Act intituled, "An Act for appointing commissioners to examine the claims of Thomas Clark and others, against the estate of James Murray, and other purposes therein mentioned," which Act was passed at Hillsborough, at the Assembly last held there, it was amongst other things enacted, that Samuel Ashe, Alfred Moor, Thomas Craike, John Lillington, Caleb Grainger, John Moor and James Gillispie, or a majority of them, should be, and they were appointed thereby commissioners to hear all such things as the said Thomas Clark and others had set forth in a certain memorial, or might set forth, or might urge for and in support of certain claims by them made against the said James Murray, and to receive all such proof as might be offered by the said Thomas Clark and others the memorialists, or others on their behalf, which proof would be admissable in a court of equity under the circumstances of the memorial thereby referred to; and it was further enacted that the said commissioners should also hear all such testimony as should be offered against the claim or demand of the said memorialists, and for that purpose should summons witnesses to appear and give evidence, and the said commissioners were invested with full powers to effect the purposes of their said appointment; and whereas it was further enacted, that after the said commissioners should have fully heard and considered the claims of the said Thomas and others the memorialists, if it should appear to their satisfaction, that the said James Murray, in equity and good conscience was indebted to the said Thomas and others the memorialists, they should certify the same to the next General Assembly, that further proceedings might be had thereon, to the end that justice might be done in the premises; and whereas a majority of the said commissioners by a certain writing under their hands, and now filed among the records of this Assembly, have certified that after having heard the whole of the testimony offered to them, they find that the sum of nine thousand and twenty-seven pounds seven shillings and five pence specie is justly due from the estate of the said James Murray to the said Thomas Clark and other memorialists, and that the said estate is in equity liable for the payment of that sum, all which is by the

said commissioners by the said writings under their hands, dated the second day of July, one thousand seven hundred and eighty-two, certified to the Assembly, to which certificate the names of John Moor, Alfred Moor, John Lillington, Caleb Grainger, Thomas Craike, James Gillispie, in the proper and respective handwriting of the said commissioners are subscribed;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all and singular the lands and tenements, goods and chattels, rights and credits, within this State, that are of the estate of the said James Murray, or which were on the fourth day of July, in the year of our Lord one thousand seven hundred and seventy-six, or at any time since the property of the said James Murray, be by the said commissioners, or a majority of them upon oath, to be administered to them by a justice of the peace, appraised to their true value, to the best of the knowledge of the said commissioners, which oath shall be as follows, to wit: "I solemnly swear that I will to the best of my understanding, justly and truly value the lands and tenements, goods and chattels, rights and credits, that were the property of James Murray on the fourth day of July, one thousand seven hundred and seventy-six, or at any time since, so far as such effects have come to my knowledge;" and the said commissioners or a majority, after such valuation made, shall in their best discretion set off and deliver to the said Thomas Clark and others the said memorialists, so much of the said estate that was of the said James Murray real, personal and mixed, as shall amount to the full value of nine thousand and twenty-seven pounds seven shillings and five pence specie, that is to say, rating Spanish milled dollars at eight shillings per dollar; which estate so set off and delivered by the said commissioners or a majority of them, to the said Thomas Clark and others the said memorialists, shall become the proper lands and tenements, goods and chattels, of the said memorialists, to be and inure to the said Thomas Clark and others the memorialists, the only proper use, benefit and behoof, of the said Thomas Clark, John Innis Clark, and Anne Hooper, memorialists as aforesaid, their heirs, executors and assigns for ever, so far as the said James Murray, his heirs, executors or administrators respectively may have, or may have had on the said fourth day of July, in the year one thousand seven hundred and seventy-six, any estate, right, title or interest therein; and the said memorialists are hereby declared to have a full and absolute, and indefeasible estate in fee simple in the said lands, and as perfect an estate in the said goods and chattels; saving however, and always reserving to all and every other person and persons whatsoever, other than the said James Murray, his heirs, executors and administrators, all right, title and claim, which they may have, or might have had, in the same manner as if this Act had never been made.

III. And be it further enacted by the authority aforesaid, That the said commissioners shall under the hands and seals of themselves, or a majority, grant to the said memorialists a schedule of the property real and personal, so set off and delivered to the said memorialists, certifying the same to be the full and absolute property of the said memorialists, and to have been set off and by them delivered as directed by this Act of Assembly, which certificate to the said memorialists shall have with respect to any lands so set off, the effect of an absolute deed in fee simple, and with respect to the said personal estate so set off, shall operate as giving a full and absolute estate therein, with the savings and reservations herein before mentioned; and the said commissioners shall certify to the next Assembly all and sin-

gular their proceedings relative to the matters by this Act referred to their determination.

CHAPTER XXXIV.

An Act to vest the Title of certain Lands in Joseph Herring.

I. Whereas it hath been made appear to the satisfaction of the General Assembly, that Joseph Herring of Duplin county, did purchase of a certain Felix Kenan, agent for Henry Eustace McCulloch, a tract of land in the county aforesaid, on the south side of Turkey Swamp, containing three hundred and forty-six acres, and bounded as follows, viz. Beginning at a small maple in a little branch that runs into Gayler's branch, and runs thence north thirty east eighty-eight poles to a pine, the corner of a survey that lies on the south side of Turkey swamp, thence south sixty-seven east ninety poles to a pine, thence south forty-six east crossing Gayler's branch one hundred and fifty poles to a stake, thence south ten west one hundred and ten poles to a black oak, thence south sixty-three west sixty-four poles to a pine, thence south seventy-nine west one hundred and forty-four poles to a pine in Zebulon Hollingsworth's line, thence north fifty west one hundred and eight poles to a maple his upper corner in Gayler's branch, thence up the run of the said branch to the mouth of the small branch, and thence up the run of it to the beginning; and the said Joseph Herring having paid part of the purchase money, and taken bond of the said Felix Kenan then agent to the said Henry Eustace McCulloch, to make him the said Joseph a sufficient title in fee simple to the said lands; and whereas the said McCulloch's lands in this State are now become confiscated to the use of the State, and the said Joseph Herring has never been able to obtain a sufficient title to the said lands;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the sheriff of the said county of Duplin is hereby impowered to receive whatever part of the purchase money is yet unpaid from the said Joseph Herring, his heirs or assigns, provided the same be tendered in two years from the ratification of this Act; and the said sheriff is hereby impowered and authorised to make and execute unto the said Joseph, his heirs or assigns, a good and sufficient deed of conveyance for the said lands, all which proceedings at the proper cost and charge of the said Joseph Herring, when had and done shall be deemed sufficient in law to vest in him all the right and title which this State hath, or may have acquired in and to the same by confiscation, forfeiture or otherwise, any law to the contrary notwithstanding.

CHAPTER XXXV.

An Act to enable Thomas Hill, guardian of Elizabeth Henry Hill, to convey to Joseph Cocke, and Winnifred, his wife, the negro slaves therein mentioned, in satisfaction of the right of dower of the said Winnifred, in the lands, tenements and hereditaments, which were of Henry Hill, deceased, her late husband.

I. Whereas the said Thomas Hill, as guardian of the said Elizabeth Henry Hill, a minor, and the said Joseph Cocke and Winnifred his wife, have presented their petitions to this present General Assembly, setting forth that Henry Hill, deceased, son of the said Thomas Hill, intermarried with the said Winnifred, by whom he left the said Elizabeth Henry Hill, his only child and heir at law, and died without making any disposition of his estate;

and whereas the said Henry Hill died possessed of lands, tenements and hereditaments, of a considerable value, from which the said Winnifred claimed, and was intitled to her dower at common law, for the term of her natural life; and whereas the said Thomas Hill, anxious to promote the interest and advancement of his said ward, and conceiving it to be for her benefit and advantage to give to the said Joseph Cocke and Winnifred his wife, a compensation out of the personal estate of the said Elizabeth Henry Hill, in lieu and satisfaction of the right of dower of the said Winnifred, proposed to the said Joseph Cocke and Winnifred his wife, to give them out of the estate of said Elizabeth Henry Hill, three negro slaves, to wit: Absey, Aggy and Elisha, in lieu and full satisfaction of the right of dower of the said Winnifred, and it appearing by the said petition that the said Joseph Cocke and Winnifred his wife, are willing to accept the same, provided that an indefeasable title to the said slaves can be made to them; Therefore for promoting the interest of the said Elizabeth Henry Hill, and for enabling the said Thomas Hill to carry the said agreement into execution,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said Thomas Hill be enabled and impowered, and he is hereby authorised to sell, convey and deliver unto the said Joseph Cocke, and Winnifred his wife, the said negro slaves named Absey, Aggy and Elisha, and all the right, title and interest of the said Elizabeth Henry Hill in and to the said slaves, and every of them, with the increase and issue of the female slaves, to have and to hold the same and every of them, to the said Joseph Cocke and Winnifred his wife, as the proper estate of the said Winnifred during the term of her natural life, for her support and maintenance in case she should survive her said husband, and after the decease of the said Winnifred, to the said Joseph Cocke, his executors, administrators and assigns, for ever, in lieu and full satisfaction of the right of dower of the said Winnifred, in and to the lands, tenements and hereditaments, which were the estate of the said Henry Hill, deceased, her late husband.

III. Provided always, and it is hereby further enacted, That each conveyance and delivery shall not be made, or be binding upon the said Elizabeth Henry Hill, the minor, until the said Joseph Cocke, and Winnifred his wife, do make, seal and deliver unto the said Elizabeth Henry Hill, a release and full discharge of the right of dower of the said Winnifred Cocke, of in and to all and singular the lands, tenements and hereditaments, which were the estate of the said Henry Hill, deceased, and until the same shall be fully compleated by private examination of the said Winnifred Cocke in due form of law; any thing herein before mentioned to the contrary notwithstanding.

CHAPTER XXXVI.

An Act to vest the fee simple of certain lands therein mentioned in Thomas Eaton, his heirs and assigns.

I. Whereas David Minge, of the State of Virginia, by his last will and testament, did give and bequeath to his daughter Mary two tracts of land and plantations, containing twelve hundred and eighty acres, lying in Warren county in this State, with remainder in case of failure of heirs of her body lawfully begotten, to his son David Minge, and the heirs of his body lawfully begotten, forever; and whereas the said Mary after her fathers death did intermarry with Michael Wall, and afterwards, to-wit, on the nineteenth day of March in the year one thousand seven hundred and seventy-eight, did with

the said Michael Wall and David Minge, the heir in remainder, for the consideration of the sum of five shillings, sell and convey by deed of bargain and sale to Thomas Eaton of the county of Warren, in this State, and his heirs and assigns for ever, the said two tracts of land and plantation, one of which tracts is bounded as follows: Beginning at a black gum on Stone House creek, William Comrie's corner tree, thence running with his line South fifteen degrees east three hundred and twenty pole to a white oak in the fork of Petty creek, thence west one hundred and fifty pole to a dogwood tree on the side of Stone House creek, thence the windings of the said creek to the first station; and the other tract bounded as follows: Beginning at a white oak on the west side of Stone House creek, thence running south three hundred and sixty poles to a red oak, thence east two hundred and eighty-five poles to a red oak, thence north three hundred and sixty poles to a red oak in the said Minge's line, thence by his line west to the beginning; and whereas perpetuities in all well governed States are injurious and particularly contrary to the spirit of our constitution, and as there appears to be no fraud or covin in the foregoing transaction, but that the whole was conducted with the consent and approbation of the heir in remainder.

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the aforementioned deed of Michael Wall and Mary his wife, and David Minge to Thomas Eaton, his heirs and assigns for ever be, and it is hereby declared good and valid, to all purposes whatever, and the whole right, title and interest, of in and to the premises aforesaid, are hereby declared to be fully and intirely vested in Thomas Eaton, his heirs and assigns for ever, agreeable to the intent and meaning of the deed to the said Thomas Eaton; anything either in law or equity to the contrary notwithstanding; but saving and reserving to all others but those claiming by, from or under David Minge, their right and title to the premises aforesaid.

CHAPTER XXXVII.

An Act to vest the Title of a piece or parcel of land lying in Camden County, in Isaac Guilford, and his heirs, in fee simple.

I. Whereas it appears to the satisfaction of the General Assembly, that Isaac Guilford, of Camden county, in the year of our Lord one thousand seven hundred and seventy-three, did purchase of Thomas Macknight, of Currituck county, a certain piece or parcel of land lying in Camden county, containing thirty-five acres, called Shergolds, butted and bounded as follows, to-wit: Beginning at a maple in a line dividing the lands of said Guilford and Macknight, then running north ninety pole to a poplar, then north fifty-five degrees west forty pole to Sanderline's line, then along said Sanderline's line south fifty-five degres west twenty-five pole to a holly, then south one hundred and thirty-two pole to an old marked line called Cornelius Jones's, then along that line about north seventy degrees east about sixty-eight pole to a poplar, then west twenty-one pole to the first station; and did in good faith pay the purchase money thereof unto the said Thomas Macknight, who since the said purchase hath withdrawn himself from this and the United States, and his estate by law hath been confiscated, and hath made no assurance to the said Isaac Guilford to vest the said land in him and his heirs, in fee simple;

II. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That

Peter Dauge, Thomas Nichols and Nathan Snowdon, commissioners of confiscated property in the said county of Camden, or any two of them be, and are hereby authorised to make and execute unto the said Isaac Guilford a good and sufficient deed of conveyance to him, his heirs and assigns for ever all which proceedings to be at the proper cost of the said Isaac Guilford; and when the said deed should be fully executed, the same shall vest in the said Isaac Guilford, his heirs and assigns, all the rights, title and interest, which this State hath to the said land in virtue of any confiscation law heretofore made, any law or usage to the contrary notwithstanding.

CHAPTER XXXVIII.

An Act to vest certain lands in fee simple in Richard Henderson and others.

I. Whereas, it has appeared to this Assembly, that Richard Henderson, Thomas Hart, John Williams, William Johnston, James Hogg, David Hart and Leonard Henly Bullock, Nathaniel Hart, and John Lutteril, John Carter and Robert Lucas, have been at great expence, trouble and risque, in making a purchase of lands from the Cherokee Indians; and, whereas, it is but just that they should have a compensation adequate to their expence, risque and trouble aforesaid;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, That two hundred thousand acres be, and are hereby granted to the said Richard Henderson, Thomas Hart, John Williams, William Johnston, James Hogg, David Hart and Leonard Henly Bullock, the heirs and assigns, or devisees of Nathaniel Hart, deceased, and the heirs and assigns or devisees of John Luttrel, deceased, to Landon Carter, heir of John Carter, deceased, his heirs and assigns for ever, and to the heirs and devisees of Robert Lucas; the said two hundred thousand acres to be laid out in one survey, and within the following boundaries, to-wit: Beginning at the old Indian town in Powell's valley, and running down Powell's river not less than four miles in width on one or both sides thereof to the junction of Powell's and Clinch river, then down Clinch river on one or both sides, not less than twelve miles in width, for the aforesaid complement of two hundred thousand acres.

III. Provided, That the aforesaid tract is laid out and surveyed by the grantees before mentioned, on or before the last day of next November, otherwise any person entering and surveying any part or parcel thereof, agreeable to the laws of the State, may and shall obtain a title to the same, anything herein contained notwithstanding; and the said two hundred thousand acres to be divided among the said grantees in the following manner, to-wit: Ten thousand acres at the lower end thereof to Landon Carter, his heirs and assigns forever, and to the heirs or devisees of Robert Lucas; and the remainder thereof in the following manner, to wit; One-eighth part thereof to Richard Henderson, his heirs and assigns or devisees; one-eighth part thereof to Thomas Hart, his heirs and assigns or devisees; one-eighth part thereof to John Williams, his heirs and assigns or devisees; one-eighth part thereof to William Johnston, his heirs and assigns or devisees; one-eighth part thereof to James Hogg, his heirs and assigns or devisees; one-sixteenth part thereof to David Hart, his heirs and assigns or devisees; and one-sixteenth part thereof to Leonard Henly Bullock, his heirs and assigns or devisees; one-eighth part thereof to the heirs and assigns or devisees of Nathaniel Hart, deceased; and one-eighth part to the heirs and assigns or devisees of John Luttrel, deceased; to hold to them, their heirs, assigns, or

devisees respectively, forever, according to the aforesaid proportion in severalty as tenants in common, and not as joint tenants; and this grant shall and is hereby declared to be in full compensation to the said persons for their charges, trouble and risque, and for all advantages accruing therefrom to this State.

CHAPTER XXXIX.

An Act to encourage John and James Bonner, junior, of Beaufort county, to clear and make a road through the great swamp and marsh, on the south side of Pamplico River, opposite the town of Washington.

I. Whereas, the establishment of a ferry across Pamplico River at the town of Washington, and the clearing a road and making a causeway through the swamp and marsh opposite to the said town, into the old road the nearest and best way, will tend greatly to the encouragement of the commerce and improvement of the said town; and as John Bonner and James Bonner are principal owners of the lands through which the road must pass, and where the ferry should be established, and they having signified to this Assembly their consent and desire to clear and make the said road and causeway at their own expence, provided the property of the ferry might be secured to, and vested in them;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said John Bonner and James Bonner are hereby vested with full and absolute power to lay off, or cause to be laid off, opened and cleared, a good and sufficient road from the shore opposite to the said town of Washington, the nearest and best way into the road at present used, at least sixteen feet wide, logged and covered with upland earth where the same may be necessary, and cause the said road to be completed in every respect in a good and sufficient manner, so as to be passable for travellers, waggons, and all other carriages, on or before the first day of November next, and also procure and provide good and sufficient boats and other crafts for the transportation of travellers, their horses, carriages and effects across the said Pamplico River, to and from the said town, that then the property of the said ferry on both sides of the river, to and from the said town shall be, and it is hereby vested in the said John Bonner and James Bonner, their heirs and assigns, for and during the term of ninety-nine years, together with all and singular the profits and emoluments arising therefrom.

III. Provided, That it shall forever hereafter be in the power of the Court of the County of Pitt to ascertain and fix the rates from time to time, as they shall judge necessary to be paid by travellers and others for crossing or passing the said ferry; and in case the said John Bonner and James Bonner shall fail or neglect to compleat and finish the said road, to the satisfaction of the said Court of Pitt county, by reasons to be approved of by the said Court, when a majority of all the justices of the said county are upon the bench, that then it shall and may be lawful for the said Court to cause the said road to be layed off, and grant by their order, the powers and privileges mentioned in this Act to such other person or persons as they shall think proper, who may be willing and desirous to undertake and complete the said road in a reasonable time, to be judged of by the said Court, and in that case the said Court shall, and they are hereby vested with full and absolute power to grant the property of the said ferry to such person or persons who shall agreeable to their order complete the said work, in as full and ample manner as the

same is by this Act vested in the said John and James Bonners, their heirs and assigns.

IV. And be it further Enacted by the authority aforesaid, That when the said road shall be finished and the ferry established, the proprietor or proprietors thereof shall enter into bonds with good and sufficient security, in the County Court of Pitt, to keep good and sufficient boats, in good repair, and proper attendance at the said ferry, and also shall keep the said road during the said term in good and sufficient repair, and be subject for non-performance of his or their duty, to all the pains and penalties which the laws of this State do now, or may hereafter inflict upon ferry keepers and overseers or commissioners of roads for neglect of duty.

CHAPTER XL.

An Act to amend an Act, intituled, "An Act to vest the property of a bridge or causeway in Gideon Lamb, and his heirs, by him already built through the great Dismal Swamp, from Lebanon to Camden, for the term of twenty-five years."

I. Whereas, the said Gideon Lamb and his heirs, are by the said recited Act impowered to keep a sufficient gate on the said bridge or causeway, for the purpose of taking toll; and whereas, by the said recited Act the said Gideon Lamb, his heirs or assigns, are under no obligation to keep the said bridge or causeway in good and sufficient repair, and fit for travellers to pass with safety; and whereas it appears from the petition of a great number of the inhabitants in the invirons thereof, that the said bridge and causeway now is, and always hath been since the passing of the said Act, in a ruinous and dangerous condition, and is liable to become intirely useless to the public; for remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That the justices of the Court of Camden county are hereby authorised and impowered, at the first Court held for the said county after the passing of this Act, to nominate and appoint three respectable freeholders to view and inspect the said bridge and causeway, which freeholders or any two of them are hereby required to make a return to the next Court held for the said county on oath, of the state and condition of the said bridge and causeway, at the time of their viewing the same, and if it shall appear to the satisfaction of the said Court that the said bridge and causeway, or any part thereof, is out of repair, and unfit for travellers and carriages to pass and repass with safety, the said Court is hereby authorised and impowered to order the heirs, executors, or assigns of the said Gideon Lamb, to pull down the said gate, or any other impediment which may be erected thereon, which order shall be certified by the clerk of the said Court, and served by the sheriff of the said county.

III. And be it Enacted by the authority aforesaid, That it shall not again be lawful for any person or persons to set up any gate or other impediment on the said bridge or causeway, until it shall be made to appear to the said Court by two or more freeholders on oath, that the said bridge and causeway appears to be in good and sufficient repair, and fit for travellers and carriages to pass without difficulty.

IV. And be it further Enacted by the authority aforesaid, That if the heirs, executors or assigns, of the said Gideon Lamb shall neglect putting the said bridge and causeway in good and sufficient repair, to the satisfaction

of the said Court, within two years after the passing of this Act, then the before recited Act to be null and void to all intents and purposes whatsoever, any law or usage to the contrary notwithstanding.

CHAPTER XLI.

An Act to vest the title of certain lands, and other property therein mentioned, in Thomas Cotton, James Cotton, and their sister.

I. Whereas, by an Act of Assembly passed at New Bern, in the year one thousand seven hundred and seventy-seven, commonly called the Act of Confiscation, and by other acts made since that period, all the estate, real and personal, of a certain James Cotton is declared confiscated, and directed to be sold for the use of the State; and, whereas, it appears to the General Assembly that Thomas Cotton and James Cotton (who were minors at the time the aforesaid James Cotton incurred the pains and penalties of high treason) have on all occasions since they became of age to act for themselves, behaved as good and faithful citizens, and on all occasions exerted themselves in defence of this State, and the liberties thereof; and, whereas, justice and humanity forbid the involving the innocent and deserving with the guilty;

II. Be it therefore Enacted by the authority of the General Assembly of the State of North Carolina, That the aforementioned Acts, commonly called Confiscation Acts, be and are hereby declared repealed and void, so far as it relates to the estate, real and personal, of the said James Cotton, not heretofore sold agreeable to law; and all the estate, real and personal, of the said James Cotton is hereby declared to be vested in his sons, Thomas Cotton, James Cotton, and their sister, to them, their heirs and assigns forever, to be equally divided between them; any law to the contrary notwithstanding.

CHAPTER XLII.

An Act for vesting the title of certain lands herein mentioned, in Ralph Miller, his heirs and assigns.

I. Whereas, it hath been made appear to the satisfaction of the General Assembly, by sundry affidavits, &c., exhibited by Ralph Miller, that the register's office of Bladen county hath been burnt wherein the said Miller's deeds were registered, and that the house of the said Ralph Miller hath been also burnt by accident, and his said deeds for certain lands, to-wit: Four hundred and twenty acres situate in Bladen county, on the south side of the Northwest River, joining the lands of John Clayton, beginning at a black oak on the river, running thence by a line of marked trees south forty-five degrees west four hundred and fifty poles to a postoak, thence south forty-five degrees east one hundred and eighty poles to a small pine, thence north forty-five degrees east to the river, thence up said river to the first station; from which accident of the fire the said Ralph Miller hath no legal assurance for the before recited lands; for remedy whereof,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Ralph Miller be, and he is hereby invested with absolute right in fee simple, of and to the before recited tract or parcel of land, containing four hundred and twenty acres aforesaid, in as full and ample manner as he

would have been if the said deeds and records had never been burnt or destroyed.

CHAPTER XLIII.

An Act for establishing two public schools in the county of Onslow, and for other purposes.

I. Whereas, the establishing of public schools at convenient places for the education of youth will be attended with great advantages to the inhabitants of this State;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That George Mitchell, Reuben Grant, William Nelms, Joseph Lillibridge and John Pasteur, esquires, be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession all monies which have been heretofore or may hereafter be subscribed for the purpose of erecting a public school in the village commonly called New-Town at the mouth of White Oak River, in Onslow county, and to ask for and demand of the several subscribers all sums by them respectively subscribed; and in case of refusal by any of them to pay the same, to sue for and recover by action of debt in the name of the trustees, the sum which the person so refusing shall have subscribed, in any jurisdiction having cognizance thereof, and the monies when collected and received to be applied by the said trustees, or a majority of them, towards purchasing a lot of ground in the aforesaid village, and for erecting thereon a suitable and convenient house, to contract with and employ tutors, and to perform every act and thing they or a majority of them, shall think necessary for the advancement and promotion of the said school.

III. And be it further Enacted by the authority aforesaid, That the said village called New-Town shall be, and it is hereby erected into a town by the name of Swansborough, and that the trustees for the school aforesaid shall be, and they are hereby appointed commissioners of the said town; and in case of the death, removal, refusing or neglecting to qualify as such, it shall and may be lawful for the remaining part, or majority of them, to nominate and appoint others in their stead, and the said commissioners each of them shall before entering upon their said office, take the following oath: "I, A. B., do swear that I will execute the office of a commissioner for the town of Swansborough faithfully, impartially, and truly, without favour, affection or prejudice, and that I will to the utmost of my power in all things act for the good of the said town, and the well governing of it, to the best of my skill and judgment."

IV. And be it further Enacted by the authority aforesaid, That the commissioners or a majority of them shall appoint an overseer every first Monday in January annually for the said town, which overseer shall summons all male taxable inhabitants thereof to clear, repair and keep in order the streets, lanes and passages, belonging to the said town, and any person refusing or neglecting to work on such summons, or furnish a good and sufficient hand or hands in his or their place, with proper tools to work with, shall forfeit and pay five shillings specie per day for every day he or they shall so refuse or neglect, to be recovered in the same manner as the fines and forfeitures are to be recovered by overseers of the roads, and the monies so recovered shall be applied towards hiring labourers to clear and repair the streets, lanes and passages, or any other public work to be done in the said

town, and every overseer appointed as aforesaid refusing or neglecting to serve as overseer of the said town, shall forfeit and pay for every such refusal forty shillings specie, to be recovered and applied as above.

V. And be it further Enacted by the authority aforesaid, That every person exempt by law from working on public roads, shall not be themselves compelled to work on the streets, lanes, or passages in the said town.

VI. And for the better regulating the said town of Swansborough, Be it Enacted by the authority aforesaid, that the said commissioners or a majority of them, shall have full power and lawful authority to pass such necessary rules and orders as to them shall seem meet for removing all nuisances within the bounds of the said town, for persons to remove dirt and rubbish from before their doors, to grub and clear their lots, for pulling down all wooden chimnies already built in the said town, and prevent the building thereof for the future, in order to prevent danger by fire.

VII. Provided, That six months' notice be given to the owners of such chimnies as are already built, to pull down the same, and for all other things as may tend to the advantage of the said town, so that the same be not repugnant, but as near as may be agreeable to the laws of this State.

VIII. And be it further Enacted by the authority aforesaid, That the Honourable Edward Starkey, esq., James Howard, Frederick Hargett, Lewis Williams, William Shackleford and Daniel Yates, esquires, be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession, all monies which have been heretofore, or may hereafter be subscribed for the purpose of erecting a public school at or near the Rich Lands of New River, in the county of Onslow aforesaid, and to ask for and demand of the several subscribers all sums by them respectively subscribed; and in case of refusal by any of them to pay the same, to sue for and recover by action of debt in the name of the trustees, the sum which the person so refusing shall have subscribed, in any jurisdiction having cognizance thereof, and the monies when collected and received to be applied by the said trustees, or by a majority of them, towards purchasing three acres of land at or near the aforesaid Rich Lands of New River, and for erecting thereon a suitable and convenient house, to contract with and employ tutors, and to perform every act and thing which they or a majority of them shall think necessary for the advancement and promotion of the said school; and in case of the death, removal, refusing, or neglect of any of the said trustees, it shall and may be lawful for the remaining part, or a majority of them, to nominate and appoint others to act in their stead.

CHAPTER XLIV.

An Act to incorporate trustees for two accademical schools in the district of Morgan.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Mr. James Templeton, president, and Waightstill Avery, Charles McDowall, William Moore, Alexander Irwin, James Greenlie, Benjamin Ellage, Abraham Denton and David Vance, esquires, be and they are hereby formed and incorporated into a body politic and corporate, by the name of president and trustees of Morgan Accademy, in the county of Burke, and by that name shall have perpetual succession and a common seal, and the said president and trustees, and their successors shall take the same oath for their qualification, mutatis mutandis, and shall have, hold, exercise and enjoy, all the powers, authorities

and privileges, which the president and trustees of Liberty Hall, in the county of Mecklenburg, possess and are invested with by virtue of an Act of Assembly for their incorporation, passed the ninth day of May, in the year of our Lord, one thousand seven hundred and seventy-seven.

II. And be it further Enacted by the authority aforesaid, That Mr. John Causon, president, and Messrs. Hezekiah Balch, Samuel Doak, William Heuston, James Heuston, Thomas Stewart, Daniel Kenady, Landon Carter and Robert Erwin, trustees, be and are hereby formed and incorporated into a body politic and corporate, by the name of president and trustees of Martin Accademy, in the county of Washington, and by that name shall have perpetual succession, and a common seal; and the said president and trustees, and their successors shall take the same oath for their qualification, mutatis mutandis, and shall have, hold, exercise and enjoy all the powers, authorities and privileges, which the president and trustees of Liberty Hall, in the county of Mecklenburg, possess and are invested with by virtue of said Act for their incorporation, passed the ninth day of May, one thousand seven hundred and seventy-seven; and each respective treasurer appointed by virtue of this Act, shall perform the same duties, be liable to the same restrictions and give bond in the same manner as the treasurer appointed by the above recited Act is required.

III. Provided, nevertheless, and be it further Enacted by the authority aforesaid, That this Act, or any thing herein contained, shall not extend or be understood to make these accademies, or either of them, one of those seminaries mentioned in the constitution, to oblige this State to support any president, professor or tutor of either of the said accademies, or other charge or expence thereof whatsoever.

CHAPTER XLV.

An Act to keep open Roanoke River for the passage of fish up the same, and other purposes therein mentioned.

I. Whereas, it is represented to the General Assembly that the free passage of fish up Roanoke River, is prevented by the erecting of dams and other stoppages across the said river; for remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That every person or persons who have erected or built any ware, dam or stoppage, across the river aforesaid, shall destroy and remove so much thereof, within six months after passing this Act, as to leave one-fourth part of the river open in the middle of the same, for the passage of fish, and on failure or neglect shall pay the sum of twenty-five pounds specie for every twenty-four hours such dam or ware, or other invention shall stand after the term aforesaid.

III. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act no stands, dams, wares, or other stoppages, shall be erected so as to take up more than three fourths of the river, leaving one-fourth in the middle open; and any person erecting wares, dams or other inventions, contrary to the intent and meaning of this Act, shall forfeit and pay the sum of one hundred pounds specie.

IV. And be it further Enacted by the authority aforesaid, That all penalties mentioned in this Act shall be recovered against any person or persons who may incur them, in any court of record by any person who will sue for the same, one-half to be applied to his or their own use, and the other half

for the use of the county wherein the plaintiff resides. Provided, That nothing herein contained shall extend, or be construed to extend to pulling down or destroying any water grist mill, which may be on Roanoke River, anything herein contained to the contrary notwithstanding.

V. And be it Enacted by the authority aforesaid, That Alexander Mebane, John Nichols and John Taylor, are hereby appointed auditors for the district of Hillsborough, to settle and adjust all public accounts and claims in the said district, and to be intitled to the same pay, and to be vested with the same power, and under the same restrictions in every respect as the district auditors are who have been appointed in the different districts in this State; and that so much of an Act passed at the last General Assembly as comes within the purview and meaning of this Act, is hereby declared to be void.

CHAPTER XLVI.

An Act authorizing James Davis, Esquire, to revise, print and publish all the Laws now in force and use in this State, for appointing a Public Printer and other purposes.

(Body of Act lost. *Note.*—This revisal was never executed. See ch. 4, 1787.—Editor.)

CHAPTER XLVII.

An Act for establishing a Town on the land formerly belonging to William Best, at the place where the road leading from Salisbury to the Cheraws crosses the road leading from Mask's Ferry to Camden in Anson County.

I. Whereas it hath been represented to this Assembly, that in the year one thousand seven hundred and eighty-two seventy acres of land was purchased from William Best, by Captain Patrick Boggan for a town, and the public buildings of said county, and the said Patrick Boggan hath entered into bond to convey the said lands as he shall be directed by the Legislature, which said seventy acres of land hath been laid out into half acre lots with streets, &c. and an accurate plan thereof made representing the streets, and the number of each lot, and seventy lots have been subscribed for and drawn by the purchasers, who are desirous to improve the plan, provided it be established into a town by authority of law;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that the said seventy acres of land be, and the same is hereby constituted erected and established a town, with streets, &c., as the same was represented by the said plan and shall be called by the name of New Town.

III. And be it further enacted by the authority aforesaid, that the lots number sixteen and forty-six, shall be deemed saved lots, for the use of the public county buildings, and the said Patrick Boggan is hereby directed to make over the said lots by conveyance to the respective purchasers, with condition to be void on failing to build a house of not less dimensions than twenty feet by sixteen, with a stone or brick chimney, within two years from the date of the deed, and in every case where such failure shall happen, the lot shall be sold again.

IV. And be it further Enacted by the authority aforesaid that all the monies arising from the sale of the said seventy lots, and the sales of the forfeited lots, shall be paid into the hands of the commissioners heretofore appointed by law for building the court house, prison and stocks, for the

said County of Anson, according to the agreement of the said Patrick Boggan, and the several purchasers of lots.

CHAPTER XLVIII.

An Act for cutting a Canal from Clubfoot's Creek to Harlow's Creek to open a communication between Neuse River and the navigation of old Topsail Inlet.

I. Whereas the opening a communication by cutting a navigable canal from Clubfoot's Creek to Harlow's Creek will tend to promote and encourage the navigation and commerce of the State by opening a more easy and safe conveyance for the produce of great part of this State, to the navigable and safe harbour of Beaufort;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that John Benners, John Jones, Christopher Neale, John Easton, Enock Ward, Dedrick Gibbler and William Bourden be appointed commissioners for overseeing, designing and laying out the said canal and are hereby impowered to lay off, plan and design the same, from Clubfoot's Creek to Harlow's Creek in the manner which to them shall seem best, to perfect the navigation thereof.

III. And whereas several public spirited gentlemen being willing to further a work of such an interesting nature to a commercial country, have offered to contribute to the same; be it therefore enacted by the authority aforesaid, that the said commissioners or a majority of them, are hereby impowered from time to time to receive subscriptions from any person or persons who may be willing to contribute to the said undertaking, and that when any sum or sums of money shall be subscribed therefor, and the same not being regularly paid, the said commissioners or a majority of them, are hereby authorized to commence actions for the same, in any jurisdiction having cognizance thereof to prosecute the same to a full recovery of all such sum or sums of money so subscribed.

IV. And be it further Enacted by the authority aforesaid, that it may and shall be lawful for the said commissioners and they are hereby authorized and impowered to cut the said canal through any person's land where it shall be necessary to continue and carry the same, any law, usage or custom to the contrary notwithstanding. Provided nevertheless, that all damages occasioned by cutting the said canal through the lands of any person shall be valued by the county court, or by three freeholders on oath, to be chosen by the court, which value shall be paid unto the proprietors of such land by the commissioners mentioned in this Act.

V. And be it further Enacted by the authority aforesaid, that the said canal when cut, and the lands appropriated for this purpose, shall be and remain for ever thereafter for the use of the public, and shall be free from all tolls whatsoever.

CHAPTER XLIX.

An Act for appointing Commissioners for selling the Lot, No. Forty-four, in Warrenton, whereon the Public Granary now stands, and other purposes.

(Body of Act not to be found.)

CHAPTER L.

An Act for altering the name of Jonathan Bronnocks to that of Jonathan Bryant.

I. Whereas Jonathan Bronnocks, of Onslow county, in this State, the son of Bethuty Bronnocks, now the wife of John Evans, has from the time of his nativity hitherto been called by the name of Jonathan Bronnock, and whereas for special and urgent reasons the said Jonathan Bronnock aforesaid, hath earnestly petitioned and prayed that the name of the said Jonathan Bronnock may be altered to the name of Jonathan Bryant by an Act of Assembly for that purpose;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that from and after the ratification of this Act, the name of the said Jonathan Bronnock shall be altered to the name of Jonathan Bryant, and that the said Jonathan Bronnock shall from thenceforth be called and known by the name of Jonathan Bryant, and that by the name of Jonathan Bryant he shall be, and he is hereby enabled to receive, possess and enjoy, any and every devise, bequest, legacy, estate, right, title, interest and property of, in, and to any lands tenements hereditaments, goods, monies, sum or sums of monies, credits or chattels whatever, which shall or may be given, granted, assigned, conveyed or made payable to him in the said name of Jonathan Bryant, and by virtue of any last will and testament, deed, bill of sale, conveyance, bond, obligation, bill, promissory note, or other writing of assumption, of or from any person or persons whatsoever and that by the said name of Jonathan Bryant he shall and may sue and recover and be sued and impleaded in any action or suit, as well at law as in equity or otherwise, and may therein plead, answer and defend, in as full and ample manner to all intents and purposes, and that by the name of Jonathan Bryant, he shall and may from the said ratification of this Act in all things whatsoever be subject to the same restrictions and intitled to the same privileges, benefits, and emoluments, as if he had from the time of his nativity hitherto been called and known by the said name of Jonathan Bryant, and no other name.

CHAPTER LI.

An Act for dividing Washington County into two distinct Counties, and erecting a County by the name of Green.

I. Whereas the large extent of the County of Washington, renders the attendance of the inhabitants on the extreme parts of the said county to do public duties, extremely difficult and expensive;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that from and after the passing of this Act the county of Washington shall be divided into two distinct counties, by a direct line beginning at William William's in the Fork of Horse Creek, at the foot of the Iron Mountain, thence a direct course to George Gallespie's house, at or near the mouth of Big Limestone, thence a north course to the line which divides the counties of Washington and Sullivan, thence from the said line, to the Chimney-Top Mountain, thence a direct course to the mouth of Cloud's Creek in Holstein River; and all that part of Washington county westward

of the said line, from and after the passing of this Act, shall be and is hereby declared to be a distinct county by the name of Greene.

(The remainder unnecessary to be inserted.)

CHAPTER LII.

An Act to erect a County adjoining the line of Virginia, including a part of Cumberland River.

I. Whereas a considerable number of inhabitants have settled on the lands on Cumberland River in this State, at a very great distance from any place where county courts are held, and it is represented that erecting a county to include the said inhabitants, and appointing courts to be held among them, would be very beneficial and advantageous: Therefore for the general good of the said inhabitants,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that all that part of this State lying west of the Cumberland mountain and south of the Virginia line, beginning on the top of Cumberland mountain where the Virginia line crosses, extending westward along the said line to Tennessee River, thence up said river to the mouth of Duck River, then up Duck River to where the line of marked trees run by the commissioners for laying off land granted the Continental line of this State intersects said river (which said line is supposed to be in thirty-five degrees fifty minutes north latitude) thence east along said line to the top of Cumberland mountain, thence northwardly along said mountain to the beginning, shall after the passing of this Act be, and is hereby declared to be a distinct county by the name of Davidson.

III. (Unnecessary to be inserted.)

IV. And be it further enacted by the authority aforesaid, that the County Court of Davidson shall appoint an entry-taker for the purpose of receiving entries of lands for those who are allowed pre-emptions by the law for laying off lands granted to the Continental line of this State; And as it has been suggested that the inhabitants of the said county have no specie certificates they shall be at liberty to pay at the rate of ten pounds specie or specie certificates per hundred acres, for the aforesaid pre-emptions, and shall be allowed the term of eighteen months to pay the same, and that the heirs of all such persons who have died, having rights of pre-emptions as aforesaid, shall be allowed the term of one year after coming of lawful age, to secure their pre-emptions. Provided, that no grants shall be made for said lands until the purchase money shall be paid into the proper office.

CHAPTER LIII.

An Act for fixing on a place in the County of Anson for building a Court House, Prison and Stocks, and for other purposes therein mentioned.

I. Whereas it hath been presented to the General Assembly by the petition of a large majority of the inhabitants of Anson county, that they labour under great hardships, and are much distressed for want of a court house, prison and stocks in said county; and whereas the commissioners appointed by an Act of the last session of Assembly for finding the centre of said county, and fixing on a place for the public buildings thereof, agreed and

concluded on a place for the same, which is conceived to be much to the disadvantage and greatly inconvenient to the inhabitants in general of said county;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that the commissioners appointed in the before recited Act be, and they are hereby impowered and directed to contract and agree with workmen, and to build a court house, prison and stocks, for the county of Anson, on the land whereon William Best formerly lived, on a certain seventy acres laid off for that purpose, and the purpose of erecting a town.

III. And be it further Enacted by the authority aforesaid, that the said commissioners are hereby directed, and required to receive all such monies as may arise from the sale of lots laid off at the place aforesaid, and to apply and pay the same towards compleating the public buildings.

IV. And be it further Enacted by the authority aforesaid, that the lands conveyed by Thomas Lacey, Jesse Miller, and Job Benton, to the public for the use of the public buildings, at the place formerly agreed on by the commissioners for which no consideration was paid be and are hereby declared to be and remain the absolute property in fee simple, of the said persons, each their respective parts.

CHAPTER LIV.

An Act for building a Court House and Prison in Elizabeth-Town, in the County of Bladen.

(Body of Act not to be found.)

CHAPTER LV.

An Act for appointing Commissioners to fix on a place for building a Court House, Prison and Stocks in the County of Randolph, and for other purposes.

I. Whereas the commissioners heretofore appointed by law for fixing on a place to build a court house, prison and stocks, in the county of Randolph have failed to discharge the trust reposed in them;

II. Be it enacted by the General Assembly of the State of North Carolina and it is hereby enacted by the authority of the same, that Aaron Hill, James Dugan, Zebedee Wood, Robert McLaine, Samuel McLaine, be and they are hereby appointed commissioners for the purposes aforesaid, and that they or a majority of them be, and they are hereby impowered and required to agree and contract for five acres of land in the said county, as near the center as they or a majority of them shall think best, and also to contract with workmen to build a court house, prison and stocks on the same.

(III. and IV. not to be found.—Ed.)

V. And be it further enacted by the authority aforesaid that from and after the passing of this Act the county courts, general musters, and elections, shall be held at the former dwelling house of William Bell, until the public buildings of said county shall be compleated, any law to the contrary notwithstanding.

(The last section missing.—Ed.)

CHAPTER LVI.

An Act for establishing a Court House, Prison and Stocks at the place whereon they are now erected on the plantation of Henry Monger, in Montgomery County.

I. Whereas it is represented to this General Assembly by the petition of a large number of the inhabitants of Montgomery county, that they labour under considerable inconveniences in not having the public buildings of said county fully fixed and established, by reason of the party disputes subsisting in said county;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that from and after the passing of this Act, the court house, prison and stocks, for the said county of Montgomery, be hereby declared to be fixed and established on fifty acres of land whereon they are now built which was laid off and contracted for by commissioners appointed for that purpose.

III. And be it further enacted by the authority aforesaid, that the proprietor of the land and ferry over the Yadkin, opposite the mouth of Uaree in consequence of his petition, and a number of others the inhabitants of said county for that purpose, and for the encouragement of said buildings at the said place, be hereby compelled to keep a public ferry with good and sufficient attendance at the said place, for all persons in the county concerned, passing and repassing on the days and at the times of all public meetings, elections, courts, &c. of the county aforesaid.

IV. And be it further enacted by the authority aforesaid, that all Acts of Assembly heretofore made that comes within the purview of this Act be hereby repealed.

CHAPTER LVII.

An Act for levying a tax of one shilling specie on every hundred pounds value of taxable property in Warren County, for the purpose of building a Court House, Prison and Stocks for the use of said County.

(Body of Act not found.)

CHAPTER LVIII.

An Act for levying a Tax of one Shilling Specie on every Hundred Pounds value of Taxable Property in Franklin County, for the purpose of building a Court House, Prison and Stocks and other purposes, for the use of the said County.

(Body of Act not found.)

CHAPTER LIX.

An Act for levying a Tax on every Hundred Pounds value of Taxable Property in the County of Lincoln, for the building a Court House, Prison and Stocks for the use of said County.

(Body of Act not found.)

Read three times, and ratified in General Assembly, the seventeenth day of May, Anno Dom. 1783.

Signed by

RICHARD CASWELL, S. S.
EDWARD STARKEY, S. C.

LAWS OF NORTH CAROLINA, 1784.

At a General Assembly begun and held at Hillsborough, on the Nineteenth day of April, in the year of our Lord One Thousand Seven Hundred and Eighty Four, and in the Eighth Year of the Independence of the Said State: Being the first session of this Assembly. *Alexander Martin, Esq.*, Governor.

CHAPTER I.

An Act to amend an Act, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting public Taxes.

I. Be it Enacted by the General Asembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that all lands as described by the aforementioned Act, town lots with their improvements, all free males and servants twenty-one years old or upwards, and all slaves male and female between the age of twelve and fifty years within this State, shall be subject to the payment of public taxes, and the public taxes on such property and persons shall be assessed and proportioned as follows, viz: All lands shall be liable to be taxed by the quantity, and freemen and male servants twenty-one years old and upwards, and slaves male and female between the age of twelve and fifty years, shall be subject to a poll-tax.

II. And be it further Enacted by the authority aforesaid, That the public tax on each and every poll shall be equal to the public tax on three hundred acres of land, and town lots with their improvements shall be valued as herein after directed.

III. And be it further enacted by the authority aforesaid, That the sheriff of each and every county shall within forty days after the passing of this Act, summon the several justices of the peace within his respective county to attend at the court house, or usual place of holding court, within ten days after the date of such summons, and the said justices, or any five of them so meeting, are hereby authorised and directed to appoint one justice of the peace for every captain's district in such county, and where there shall be a town one for such town, to receive lists of taxable property in such district and town respectively, and the justices when so appointed, shall without delay fix the time and place in each district and town for receiving lists of taxable property; and in order that all the inhabitants may be apprised in due time that such lists are to be received, the justice of each district and town shall order and direct one of the constables to warn every family in such district of the time and place appointed for receiving lists of taxables at least five days previous to such time. Provided always, that if the court of any county shall set within forty days after the passing of this Act, then the sheriff shall warn the justices to attend at such court for the purposes aforesaid, and the court shall appoint the justices for the several districts in their county.

IV. And be it further Enacted by the authority aforesaid, that the inhabitants of the respective districts in each county shall attend at the time and place so to be appointed, and shall return on oath in writing to the

justices appointed to receive the same, the quantity of land, the particular tracts, the counties in which the same lie, with the number of free males and servants twenty-one years old and upwards, the number of slaves male and female between the age of twelve and fifty years, which to him belonged, or who lived in his family, and the number of town lots of which he was possessed on the first day of April then last past; and the oath to be administered by the justices receiving such lists shall be as follows: "You ——— do swear or affirm (as the case may be) that this list by you delivered, contains a just and true account of all the property for which by law you are subject to pay taxes, to the best of your knowledge and belief. So help you God."

V. And in order to ascertain the value of town lots with their improvements, Be it enacted by the authority aforesaid, that the justices of the peace when met upon the summons of the sheriff as aforesaid, or in the county court if such court should be held within the time hereinbefore limited, shall nominate and appoint three freeholders in each town within their respective counties, who being duly sworn, shall value the lots in such town with their improvements, to the full value thereof respectively and such valuation shall be subject to public taxation, as follows, towit: The same tax shall be paid upon every hundred pounds value of such town lots as shall be paid upon every three hundred acres of land, and where they shall not all agree in the value, the agreement of any two of them shall be returned as the true value, but where they all disagree, then the different valuation of three shall be added together, and one third of the amount of the whole shall be deemed the true value of the property.

VI. And whereas there are generally in the towns of this State lots and improvements the property of persons living at a distance, or without the bounds of such towns, by reason of which such property if returned only by the proprietors would not come to the hands of the assessors; for remedy whereof, Be it Enacted by the authority aforesaid, that all property in the several towns shall be returned by the tenants or occupiers thereof unless returned by the proprietors thereof, or the agent, attorneys, trustee or guardian of the proprietor; and when returned by the tenant or occupier, such tenant or occupier shall be liable to pay the taxes thereon assessed, but the absent owner or person in whose care the same shall be, shall nevertheless return such lots in his general return, specifying at the same time in whose actual possession, or under whose immediate superintendency the same may be.

VII. And be it further Enacted by the authority aforesaid, that the justices who shall be appointed to receive the lists of taxable property, and the assessors in every town, shall make fair returns of their lists and assessments respectively to their respective county courts next after such list shall be received and assessments made, and the justices shall in their return (exclusive of the original lists received by them) distinguish the persons names, the several tracts of land, the quantity and situation of each tract, the town lots and number of polls white and black, in the following manner, viz:

Persons names	Quantity in each tract	Situation or place where each tract lies.	Town lots.	Value of town lots with improvements.

Number of free polls.	Number of black polls.	Amount of each person's taxable property.

And the assessors in their return shall distinguish the different town lots, the situation and value thereof, with the amount of each person's property in lots, viz::

Persons names	No. of lots or parts of lots	Value of lots	Amount of Assessment

VIII. And be it further Enacted by the authority aforesaid, that the clerk of each court shall record at large in alphabetical order, the annual returns to be made by the justices and assessors in his county, and the court shall and may make a reasonable allowance for such service, to be paid out of the county tax; and if any person appointed to receive lists of taxable property, or to assess town lots, shall fail or neglect to discharge the duty of his appointment, the person so failing or neglecting shall forfeit and pay the sum of one hundred pounds, to be recovered in any court of record having cognizance thereof, in the name of the Governor, to the use of the State; and if any master or mistress of a family, his or her agents, factors, managers or attornies, after due notice given as before directed, shall fail or neglect to attend and return inventories for his or her taxable property in manner before mentioned, each and every person so failing shall forfeit and pay the sum of fifty pounds, to be recovered and applied as in the case last mentioned, and the person so failing, or neglecting, shall pay a double tax, the number of polls belonging to the person neglecting as aforesaid to be reported by the justice to the best of his knowledge, and if any executor, administrator, guardian, trustee, agent or attorney, shall after due notice fail to return an inventory to the justice appointed to receive the same of the taxable property in his trust or possession, the property of the testator, intestate, minor or absentee, shall be liable to a double tax, and the justice shall report the same to the best of his knowledge or information; and such double tax shall be levied of the proper estate of such executor, administrator, guardian, trustee, agent or attorney.

IX. And be it further Enacted by the authority aforesaid, that if any person residing out of the State shall fail, by himself, his agent or attorney, to return an inventory of his taxable property, the lands shall be liable to double tax, and the taxable polls if any shall be reported by the justices as aforesaid, and the tax shall be levied thereon in the usual way, provided there be personal estate sufficient to pay the same; but if there shall be no personal estate, or not sufficient to pay the tax, and such tax shall remain unpaid for twelve months after it becomes due, then the lands or so much thereof as may be necessary to pay the tax, with contingent charges, shall be sold by the sheriff by order of the county court, and the sheriff shall account for the same as in other cases.

X. And be it further Enacted by the authority aforesaid, that the several justices appointed to receive lists of taxables, shall make return of their

own lists to the county court, or to some other justice; and the property of assessors of town lots shall be assessed by the county court: And if any justice appointed to receive lists of taxable property, or any assessor of town lots, shall die, refuse to act, or remove out of the county, before the duty of his appointment shall be performed, any three justices of such county may be and they are hereby authorised and directed to appoint another to act in the place of such person so dying, refusing to act, or removing, and the person so appointed shall be on the same footing in all respects as if he had been originally appointed; and the several county courts shall and may allow the assessors of town lots in their respective counties a reasonable sum for their services, which allowance being certified by the clerk of the court, shall be paid by the sheriff out of the public tax, and such sheriff shall be allowed for the same in the settlement of his public accounts.

XI. And be it further Enacted by authority aforesaid, that every person holding lands by title of dower, curtesy or other estate, for life, or on lease for five years or more, computing from the commencement of such lease to the end of the term, shall return an inventory of such estate, and pay the public taxes thereon as in other cases. Provided always, That any person incurring any of the penalties in this act mentioned for omitting to return his list of taxable property, may apply to the county court to which the list shall be returned, or to the next succeeding court, and such court upon sufficient reasons shewn may remit the penalties.

XII. Be it further Enacted by the authority aforesaid, that at the first court in every county to be held next after the first day of April, in every year after the present, such court shall appoint a justice of the peace for each district in the county to receive lists of taxable property for the then present year, and where there shall be any town or towns, three assessors for every town, and the clerk of each county court shall furnish each justice within twenty days after his appointment, with a fair alphabetical copy at large of the list of taxable property within his district the preceding year, under the penalty of ten pounds for each neglect, to be recovered by action of debt in the Governor's name, in any court having cognizance thereof, and to be applied to the use of the State.

XIII. And be it further Enacted by the authority aforesaid, that no person being a justice of the peace shall be a collector of public taxes.

XIV. And be it further Enacted by the authority aforesaid, that if any person shall be possessed of any land for which he is unwilling to pay taxes, he may apply to the court to which the returns of taxable property shall be made by the justices, and by the said court shall be permitted to enter on record such unwillingness, which when done shall operate forever thereafter as a surrender of such lands to the State, and shall be thenceforth liable to be taken up and secured by any person who will perform such requisites as the law directs.

XV. And be it further Enacted by the authority aforesaid, that so much of the Act aforesaid, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting the public taxes, as relates to stock in trade, slaves under the age of twelve years or over fifty, wheel carriages, horses, mules and cattle and so much of the said Act as comes within the purview of this Act be, and the same is hereby repealed.

CHAPTER II.

An Act for altering the time of holding the Annual Elections, and Annual Assemblies, and directing the manner of electing Annual Officers for the succeeding year.

I. Whereas by holding the annual assemblies in the month of April great inconveniences arise to the members thereof, and others whose private business requires their attendance; many persons being thereby prevented from cultivating their farms on which their means of subsistence depends, which makes it difficult and frequently impossible for many of the members to render the necessary services to the public without manifest injury to themselves: And whereas most if not all the States in the Union have their annual elections in autumn, and their annual Assemblies in the winter, which makes it necessary for the Congress of the United States to settle and adjust the quota of each State at a period long preceding the annual Assemblies for this State, so that the requisitions made to support the union cannot be complied with in proper time: For remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that for the future the annual elections of members of the General Assembly shall commence on the third Friday in August in every year, and be held and concluded agreeable to law, and that the next annual election shall begin on the third Friday of August in the present year, in the manner before directed, of which annual elections the sheriffs of the respective counties in this State are hereby directed and required to give due notice by advertisement as the law directs.

III. And be it further Enacted by the authority aforesaid, that the next annual meeting of the General Assembly shall be held on the first Monday in October next after the passing of this Act, and on the first Monday in October in each succeeding year; and that it shall and may be lawful for the General Assembly at their next annual meeting to choose a Governor, council of State, and other annual officers, to succeed those chosen and appointed by this present General Assembly, as soon as the full service of the present officers shall be expired, and to continue in office until the annual Assembly which shall meet in October in the then succeeding year shall make new appointments.

CHAPTER III.

An Act vesting a power in the United States in Congress assembled to levy a Duty on Foreign Merchandize, for the use of the United States.

I. Whereas by a resolve of the United States in Congress assembled, of the eighteenth of April, one thousand seven hundred and eighty-three, it is recommended to the several States as indispensably necessary to the restoration of public credit, and to the punctual and honourable discharge of the public debts, to invest the United States in Congress assembled with a power to levy for the use of the United States, certain duties herein after mentioned upon goods imported into the said States from any foreign port, island or plantation; and the necessity of complying with this recommendation being evident.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that the United States in Congress assembled shall be, and they are hereby

authorised and impowered to levy for the use of the United States, the following duties upon goods imported into this State from any foreign port, island or plantation: Upon all rum, Jamaica proof per gallon four ninetieths of a dollar, upon all other spiritous liquors per gallon three ninetieths of a dollar, upon Madeira wine per gallon twelve ninetieths of a dollar, upon all other wines per gallon, six ninetieths of a dollar, upon common bohea tea per pound six ninetieths of a dollar, upon all other teas per pound twenty-four ninetieths of a dollar, upon pepper per pound three ninetieths of a dollar, upon brown sugar per pound half a ninetieth of a dollar, upon loaf sugar per pound two ninetieths of a dollar, upon all other sugars per pound one ninetieth of a dollar, upon molasses per gallon one ninetieth of a dollar, upon cocoa and coffee per pounds one ninetieth of a dollar, upon all other goods a duty of five per cent. ad valorem, at the time and place of importation.

III. Provided always, that none of the said duties shall be applied to any other purpose than the discharge of the principal or interest of the debt contracted on the faith of the United States for supporting the war, nor be continued for a longer term than twenty-five years: And provided also, that the collectors of the said duties shall be appointed by this State, but when appointed shall be ameanable to, and removable by the United States in Congress assembled.

IV. And be it further Enacted by the authority aforesaid, that in case the legislative or executive power of this State shall not have previously appointed collectors of the said duties, or shall not appoint such collectors and every of them within one month after notice shall be given by Congress for that purpose, or shall fail to make such appointment upon any vacancy by death, resignation or removal from office, the United States in Congress assembled shall and may appoint collectors or a collector of the said States, as the case may require. Provided always, that the person or persons so to be appointed be a citizen or citizens of this State.

V. And be it further Enacted by the authority aforesaid, that the United States in Congress assembled shall have, and they are hereby invested with full power and authority to levy and collect the said duties under such regulations as they shall direct: Provided, that such regulations shall not subject any person to be carried out of this State, nor to be tried in any other manner than the laws and constitution direct, nor to impower any collector to break open any house or store, or any other place in which customable goods which have not paid duty are suspected to be concealed with an intention to avoid the payment of the same, unless such collector shall make oath before some magistrate of the county where such goods are supposed to be concealed in writing, subscribed by the party making such oath that he has good and sufficient reason to believe that such goods are so concealed, and with such design; whereupon the said justice shall grant his warrant for breaking and entering such house to a constable or other executive officer, who in the execution of the said warrant shall be attended by two freeholders and the said justice. And provided also, that the trials on all seizures made in virtue of the regulations to be made by Congress for the collection of the said duties shall be in and before some court of record in this State having cognizance thereof.

VI. And be it further Enacted by the authority aforesaid, that no collector to be appointed for the collection of the said duties shall be eligible to a seat in the General Assembly of this State, or hold any place of profit in this State or any of the United States (the collection of such duties as are or may be imposed on imports for the use of this State only excepted) nor

shall be an importer or in any wise concerned or interested directly or indirectly in carrying on any trade or commerce in any of the articles on which duties are by this Act imposed.

VII. And be it further Enacted by the authority aforesaid, that every of the collectors appointed for carrying the purposes of this Act into effect shall before entering on the duties of his office take the following oath, to-wit: "I, A. B., do solemnly swear or affirm (as the case may be) that I will not directly or indirectly in my own name, or in the name of any person or persons, carry on or be concerned in interest in carrying on any trade or commerce in any of the articles on which duties are imposed by an Act, intituled, An Act for vesting a power in the United States in Congress assembled to levy a duty on foreign merchandize for the use of the United States, during my continuance in office." Which oath shall be taken before any justice of the peace in the county wherein such collectors respectively reside.

VIII. And be it further Enacted by the authority aforesaid, that this Act shall not be in force nor have effect until all the States in the Union shall have invested the United States in Congress assembled with the same or similar powers, and authorities as are before mentioned, which unanimous accession however shall be considered as forming a mutual compact among all the States for and during the term of twenty-five years, and shall be revocable only on the part of this State by the concurrence of the whole, or a majority of the United States in Congress assembled.

CHAPTER IV.

An Act for laying certain duties therein mentioned on all Foreign Merchandize imported into this State, in aid of the Public Finances, and directing the mode of collecting the same.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that from and after the fourth day of July next ensuing the date hereof, the following duties shall be paid on the goods, wares and merchandize, imported by water into this State, in aid of the public finances: Upon all rum of Jamaica proof per gallon four pence, upon all other spiritous liquors three pence, upon Madeira wine one shilling, upon all other wines six-pence, upon all Madeira wine in bottles two shillings per dozen, upon all gin per case three shillings, upon all bottled malt liquor one shilling per dozen, upon all cyder per gallon two-pence, upon common Bohea tea per pound six-pence, upon all other teas two shillings, upon pepper per pound three pence, upon brown sugar per pound an half-penny, upon loaf sugar two-pence, upon all other sugars one penny, upon molasses per gallon one penny, upon cocoa and coffee per pound one penny, upon all other goods a duty of two per cent. ad valorem, at the time and place of importation, to be determined by the original invoices.

II. And be it further Enacted by the authority aforesaid, that the master of every ship or other vessel importing any goods, wares or merchandize, liable to a duty by virtue of this Act to any port or place within this State, shall within forty-eight hours after his arrival at the place of his destination, and before bulk be broken, make a true and just report upon oath to the collector of the duties in the said port or place of the burthen, contents, or lading of such ship or vessel, with the particular number of every cask or package therein laden, and containing any of the aforesaid goods, wares or merchandize, and of all parcels or quantities of any such goods, wares or

merchandize, which may be laden or stowed in bulk on board such ship or vessel, and where and in what port the same was laden or taken on board, upon penalty of one hundred pounds.

III. And be it further Enacted by the authority aforesaid, that none of the goods, wares or merchandize, liable to the said duties, imported or brought into this State by any person or persons whatsoever, shall be landed or put on shore until due entry made thereof on oath by the importer, owner or factor, with the collector of the duties in such port or place, and a true invoice or account of all the goods, wares and merchandize aforesaid, at that port or place where the same was shipped or taken on board, which oath the collector is hereby impowered and required to administer, and to certify the same upon the back of the original invoice, or a true copy thereof to him produced; and thereupon such importer paying the duties laid by this Act, or securing the payment thereof within six months, shall obtain a permit under the hand of such collector for the landing and delivering of the same; and all the goods, wares or merchandize, put on shore, or delivered contrary to the true intent and meaning of this Act, the value thereof shall be forfeited and lost, and may be seized or recovered by the said collector of the port or place where the same shall be put on shore or delivered, or any other person or persons whatsoever.

IV. And be it further Enacted by the authority aforesaid, that if any person or persons whatsoever shall wittingly or willingly make a false entry, and be thereof convicted, such person or persons shall forfeit and pay one hundred pounds, and also forfeit the goods.

V. And be it further Enacted by the authority aforesaid, that the collectors of the duties aforesaid, or any person by them appointed, shall have full power and authority to go and enter on board any ship or other vessel, and from thence to bring on shore (leaving an inventory for the same signed by himself with the captain or some other person on board such vessel) any articles whatever liable to a duty by virtue of this Act, if such duty be not paid or agreed for within forty-eight hours after the entry of such ship or vessel, or bond with sufficient security given if necessary, for payment of the same within six months next after such entry; and if such payment or security be not made or given within twenty days after seizure, the collector of the duties aforesaid is hereby impowered to sell so much thereof, after advertising the same twenty days, as shall be sufficient to discharge the said duties, and two and a half per cent. for the charges of such seizure and sale.

VI. And be it further Enacted by the authority aforesaid, that if any collector appointed by this Act, or any person for him, shall directly or indirectly take or receive any bribe, recompense or reward of any kind whatsoever, for conniving at any false entry of the goods, wares or merchandize, liable to a duty or custom by virtue of this Act, the collector so offending shall forfeit and pay the sum of one hundred pounds, and be for ever disabled in his said office, and rendered incapable of holding any office or employment relating to the customs in this State; and the person or persons giving or offering such bribe shall forfeit and pay one hundred pounds.

VII. And be it further Enacted by the authority aforesaid, that it shall and may be lawful to and for all and every collector of the duties aforesaid, by warrant under the hand of a justice of the peace (which warrant shall not be granted but upon information made to him on oath) and accompanied with a constable and two freeholders, to break open in the day time any house, warehouse or store house, to search for, seize and carry away any of the aforesaid goods, wares and merchandize liable to the duty afore-

said by this Act, and for which the said duty shall not have been paid or secured to be paid as aforesaid; and if any collector, constable or assistant, shall be sued or molested for anything done in execution of the power hereby given them, such collector, constable or assistant, may plead the general issue and give this Act in evidence; and if in any such suit the plaintiff be non-suited, or judgment passed against him, the defendant shall recover double costs; and in all actions, suits or informations to be brought, or where any seizure shall be made pursuant to this Act, if the property thereof be claimed by any person as the owner or importer thereof, in such case the onus probandi shall be upon the owner or claimer.

VIII. And be it further Enacted by the authority aforesaid, that when any of the goods, wares and merchandize aforesaid, shall be consigned to any person other than the master or owner of the ship or vessel importing the same, every person to whom such articles shall be consigned, shall upon the importation thereof pay to the master or owner of the vessel importing the same, or to the collector, the duties payable for such articles by this Act; and if any person or persons to whom such articles shall be consigned as aforesaid shall neglect or refuse to pay the said duties, or give bond and security for the payment thereof, to the master or owner of the ship or vessel importing the same, at such time as the same shall become payable, to be by him assigned over to the collector, it shall and may be lawful for the master or owner of such ship or vessel to detain such goods, wares or merchandize, until the said duties shall be paid as aforesaid.

IX. And be it further Enacted by the authority aforesaid, that where any person is desirous of transporting any of the aforesaid goods, wares or merchandize, from one port to another, and for which the duty has been paid, or secured to be paid, he shall apply to the collector of the duties for a certificate, which certificate the collector is hereby authorised, impowered and required to give, setting forth the invoice of the goods, and that the duties thereof have been paid, or secured to be paid; on producing which to the collector of the duties of such port to which the same shall be transported, and making oath the goods, wares and merchandize, by him transported are bona fide the same for which such certificate was obtained, no further duty shall be demanded; and all goods, wares, and merchandize, liable to the duty aforesaid, brought into any port without such certificate, either by land or water, shall be deemed not to have paid the duty, and such articles or the value thereof shall be forfeited.

X. And be it further Enacted by the authority aforesaid, that if any naval officer of any of the ports in this State shall from and after the fourth day of July next, clear out any vessel importing any of the aforesaid goods, wares and merchandize, before the master shall produce a certificate signed by some one of the collectors appointed by virtue of this Act, that he has paid or secured to be paid the duties aforesaid, he shall forfeit and pay one hundred pounds.

XI. And be it further Enacted by the authority aforesaid, that for preventing disputes about the quantity of liquor or spirits imported and to be rated, the importer without gauging the said liquors or spirits, or weighing the said sugar, shall be allowed ten per cent. for leakage and wastage upon his invoice, and entry made as aforesaid; but if the owner or importer shall suspect the leakage or wastage to be greater, in that case the collector may guage the said spirits or liquor, and weigh the said sugars, and may charge the importer for guaging or weighing six pence per cask.

XII. And be it further Enacted by the authority aforesaid, that James Read for port Brunswick, John Daves for port Beaufort, Nathan Keais for port Bath, Thomas Benbury for port Roanoke, and Samuel Ferebee for port Currituck, the persons appointed by joint ballot of both houses of the Legislature to collect the Continental impost, be and they are hereby appointed collectors of all the imposts, duties, dues, penalties and forfeitures, growing due and payable to this State by virtue of this Act, and which shall be delivered in the respective ports aforesaid.

XIII. And be it further Enacted by the authority aforesaid, that the collectors of Roanoke, Beaufort and Brunswick, shall keep their offices in the towns of Edenton, New Bern and Wilmington, respectively; and the collector of each respective port in this State shall be commissioned by the Governor for the time being, who is hereby authorised and required to fill up all vacancies which may happen in any of the said ports by temporary appointments, until the Legislature shall appoint; and every collector before entering on the execution of his office shall before some court or justice of the peace for the county, take the following oath: "I, A. B., do solemnly swear, that I will without favour, prejudice or partiality, well and truly execute and discharge the duty of collector for the port of ———— to the best of my understanding, according to law; and that I will not be concerned directly or indirectly in exporting or importing any goods or merchandize subject to a duty, during my continuance in the said office, unless for my own particular use and consumption not exceeding the value of two hundred pounds sterling in any one year. So help me God." And if any collector shall be convicted of exporting or importing any goods or merchandize contrary to the said oath, he shall forfeit and pay the sum of five hundred pounds, and his said office shall be vacant: Provided, the suit or prosecution is commenced in the district where such collector usually resides, and within six months next after the offence shall have been committed, and not otherwise.

XIV. And be it further Enacted by the authority aforesaid, That every collector shall fairly keep and render an account of all entries made with him, and before he enters on the execution of his office give bond with sufficient security (which bond shall be lodged in the secretary's office) in the sum of one thousand pounds, to the Governor for the time being, for the use of the State, with condition that he will honestly and faithfully, and justly execute the office of collector of the impost or duty aforesaid at the port to which he is appointed, and will fully and fairly account for on oath, and pay all such sum or sums of money by him received and accounted for every nine months to the public treasurer of the district where he shall exercise his office; and for his receiving the aforesaid duties, and fully and fairly accounting for and paying the same to the treasurer aforesaid, he shall be allowed five percentum, and may deduct the same as his commissions out of such monies as may be received by him.

XV. And be it further Enacted by the authority aforesaid, that the several fines, forfeitures and penalties, which shall be incurred or become due by virtue of this Act, shall and may be sued for, prosecuted and recovered by action of debt in any court of record in this State, where no essoin, privilege, protection or wager of law, shall be allowed or admitted; and one moiety of all the respective forfeitures that shall be incurred by virtue of this Act, shall enure and be to the use of the State, and the other moiety thereof shall go to him or them who will inform and sue for the same: Provided, that such fines, penalties and forfeitures, be sued for within three months after the offence committed, and not after.

XVI. And be it further Enacted by the authority aforesaid, that this Act shall be and continue in force from and after the fourth day of July next, until the Act "vesting a power in the United States in Congress "assembled to levy a duty on foreign merchandize for the United States," shall be in force and have effect.

CHAPTER V.

An Act for appointing Collectors of the Imposts at the several Ports of this State, and for regulating the duty of Naval Officers, the Officers of Customs, and Masters of vessels.

I. Whereas the increased and increasing trade of this State and the necessary appointment of persons to receive the imposts laid by this present General Assembly, make it expedient to regulate the duty of the officers of the customs, in order that commerce may thereby be encouraged, and that the Legislature may be acquainted from time to time with certainty of the value and quantity of the imports and exports of this State;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That collectors for the ports of Currituck, Roanoke, Bath, Beaufort, and Brunswick, shall be chosen by the General Assembly by joint ballot of both houses, and shall be commissioned by the Governor for the time being, and in case of a vacancy during the recess of the General Assembly a temporary appointment shall be made by the Governor until the Legislature shall fill such vacancy; and every collector before entering upon the execution of his office, and every naval officer now in office or hereafter to be appointed, shall enter into bond with two or more good and sufficient securities, in the penalty of five thousand pounds current money payable to the Governor for the time being for the faithful discharge of his office according to law, which bond shall be lodged in the secretary's office, and upon a breach thereof shall be assigned by the Governor for the time being to the party injured, who shall and may maintain an action thereon in his own name, and such bond shall not become void upon the first recovery, or if judgment shall be given for the defendant, but may be put in suit from time to time until the whole penalty shall be recovered; and every collector to be appointed, and every naval officer now in office or hereafter to be appointed, shall exclusive of the oath to be taken for the qualification of public officers take and subscribe the following oath, to-wit: "I, A. B., do solemnly swear that I will without favor, prejudice or partiality well and truly discharge the duty of ——— for the port of ——— according to law, and to the best of my skill and judgment, and that I will not during my continuance in the said office be concerned directly or indirectly in exporting any goods, wares and merchandize, which are liable to the payment of any duty or impost except for my own particular use and consumption not exceeding the value of two hundred pounds sterling in any one year. SO HELP ME GOD." And the same oath shall be taken by the collectors of the duties on imports to be imposed by Congress, anything in the act passed this present session for impowering the United States in Congress assembled to levy a duty on imports notwithstanding; which bonds shall and may be executed, and oath taken before the Governor or commander-in-chief or in any court of record, or before any of the judges: and if any naval officer or collector shall be convicted of being concerned or interested in any com-

merce contrary to the true intent and meaning of the said oath he shall be adjudged incapable of holding his office.

III. And be it further Enacted, by the authority aforesaid, That every master of a vessel coming into any port or inlet within this State shall within forty-eight hours after his arrival therein make report or entry with the naval officer of such port or his deputy, and in case of entering shall deliver to such officer his register belonging to his vessel, with a manifest of his cargo, under the penalty of fifty pounds, to be recovered by action of debt in the name of the Governor or commander-in-chief for the time being, in any court having jurisdiction thereof, and shall be paid into the hands of the commissioners of navigation and pilotage for such port, to be by them applied to the improvement of the navigation; and the master shall at the same time enter into bond with sufficient security in the penalty of five hundred pounds, that he will not when an embargo shall be laid depart this State, unless in going to some other port within the State during the continuance of such embargo, and the naval officer upon the receipt of any order or proclamation for an embargo shall immediately give notice thereof to the several masters of vessels within his port, and no bond given respecting such embargo shall be adjudged to be forfeited unless notice shall be given as aforesaid; and every naval officer before clearing out any vessel shall administer to the master thereof the following oath, or affirmation if a Quaker, to-wit: "I, A. B., master of the vessel called the ———, do swear or affirm, that I will make diligent enquiry and search in my said vessel for all concealed persons of whatever denomination, degree or condition; and that I will not wittingly or willingly carry, or suffer to be carried therein out of this State, or to be taken on board thereof after my departure therefrom, without such pass or certificate as is required by law, any person or persons whatsoever inhabitants of the said State; nor will I carry or suffer to be carried or received as aforesaid, any servant or slave that is not attending his or her master or mistress, unless such servant or slave shall be sent to be transported by such master or mistress, or some other person having authority, for some special purpose. SO HELP ME GOD."

IV. And be it further Enacted by the authority aforesaid, That from and after the first day of July next (until which time the fees now due by law may be taken), the several naval officers may take the following fees for their services and no more, that is to say: For entering and clearing vessels and boats not decked, if bound to any other State or to foreign parts, the fee of eight shillings; for entering and clearing every decked vessel under twenty tons, all necessary services included, the sum of fifteen shillings; for entering and clearing vessels of twenty and under sixty tons, all necessary services included, the sum of thirty shillings; for entering and clearing each vessel of sixty tons and upwards, all necessary services included, the sum of forty shillings; for every register and taking probate thereof, fifteen shillings; and for every permit the sum of eight shillings and no more; for an endorsment on a register on the change of a master, and registering such endorsment, the fee of eight shillings. And when a vessel shall enter with any naval officer and afterwards take a permit to a different port in this State, then only half the fees shall be charged at the port of entry, and the other half at the port of clearance; and if any naval officer shall directly or indirectly demand, extort, exact or receive, under colour of his office or otherwise, any other or larger fees than what is allowed by this Act, or shall refuse to do the particular service or services incident to his office for the fee or feees hereby limited, or shall refuse or delay without cause, or upon

feigned pretences to do the particular duties of his office when thereto required, or shall connive at a false entry, every such naval officer shall forfeit and pay the sum of two hundred pounds, to be recovered at the suit of the person or persons injured, or in case of conniving at a false entry, at the suit of the attorney-general for the State, by action of debt in any court having cognizance thereof; and upon conviction on such action, or by indictment, shall be removed from his office and another appointed in his stead, as in cases of death or resignation. Provided always, That no naval officer shall be sued or prosecuted for any of the said offences unless such suit or prosecution shall be commenced within twelve months after the offence shall be committed.

V. And be it further Enacted by the authority aforesaid, That every naval officer, and collector of duties on imports, shall set up or cause to be set up in the most public place in their respective offices, and constantly keep the same so set up, three fair tables or copies of the fees allowed by this Act, that is to say, one in the English, one in the French, and one in the Dutch language; and also a table of each of the said languages of the duties payable on all goods imported, and the tonage payable on shipping, under the penalty of one hundred pounds for every three months' neglect, after the fourth day of July next; and the said officers respectively shall, on receiving any of the said fees and duties on imports and tonage, give a receipt to the person paying expressing the amount thereof, the time the same shall be paid, and for what in particular such payment shall be made, under the penalty of twenty pounds, to be recovered by action of debt at the suit of the party grieved, with costs.

VI. And be it further Enacted by the authority aforesaid, That no vessel shall be cleared out unless the master thereof produces to the naval officer a manifest of the cargo on board, and a certificate from the collector that the duties on imports and on the tonage of his vessel have been paid or secured according to law; and such master before obtaining a clearance shall make oath (or affirm if a Quaker) that the commodities which have been shipped on board his vessel for exportation, or such of them as the law requires to be inspected, have been inspected and landed according to law; and if the naval officer gives a clearance without such manifest and certificate being produced to him, and oath or affirmation being made as aforesaid he shall forfeit and pay the sum of two hundred pounds to the use of the State, and on conviction shall be adjudged guilty of misbehaviour in office.

VII. And be it further Enacted by the authority aforesaid, That every naval officer or collector shall enter in books to be kept for that purpose fair lists of the entries of all imported goods, and in other books fair lists of the clearances of all vessels with their cargoes, and each of the said officers shall once in six months transmit to the Governor or commander-in-chief fair copies thereof under the like penalties as are hereby inflicted upon naval officers for taking exorbitant fees; and the collector of the respective ports shall countersign all clearances.

VIII. And be it further Enacted by the authority aforesaid, That every ship or vessel liable to pay tonage shall be guaged and measured in manner following, that is to say: Every such ship or vessel shall be measured by the length of the gun deck, deducting three-fifths of the greatest breadth from outside to outside, and multiplying the product by the breadth from out to out, and that product again by half the breadth, and divide the last product by ninety-four, which will give the true contents of the tonage, and the tonage shall be computed and collected accordingly; and the collector

of each port where he has any reason to suspect that any ship or vessel is registered at less tonage than her real burthen shall, and he is hereby impowered and required to go on board such vessel and make a measurement in manner before directed.

IX. And be it further Enacted by the authority aforesaid, That the penalties and forfeitures in this Act of which no application is directed, shall and may be sued for in any court having cognizance thereof, one-half thereof to the informer and the other half to the commissioners of navigation where the forfeiture shall be incurred; and that all and every act and acts of Assembly directing the duty or ascertaining the fees of naval officers be, and the same is and are hereby repealed. Provided, That nothing in this Act mentioned shall be construed so as to make void the appointments of either of the naval officers who lately have, and now act as such, all and each of which respectively are hereby declared to be and continue naval officers in their several ports for and during their good behaviour.

CHAPTER VI.

An Act for Levying a Tax for the Support of Government, and for the Redemption of Old Paper Currency, Specie, and Other Certificates.

I. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That for the year one thousand seven hundred and eighty-four, a tax of four shillings on every hundred acres of land, and a tax of twelve shillings on every poll, and a tax of twelve shillings on each hundred pounds value of town lots with their improvements in this State, shall be levied and paid in State currency or in gold or silver, at the rates established by law, in continental or State dollar bills or soldiers' bounty certificates at the rate of eight hundred for one, in specie certificates of any kind at their nominal value, or currency certificates as rated by the act for the sale of confiscated property: Provided, The continental or State dollar bills, specie and other certificates shall not be received for more than one-half of said tax. Provided also, That the inhabitants of the county of Davidson shall be, and they are hereby exempted from the payment of the public tax on polls for the year one thousand seven hundred eighty-four.

II. And be it further Enacted by the authority aforesaid, That the above tax shall be collected, paid and accounted for, as directed by an Act, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting public taxes; and, An Act passed this present session of Assembly for amending said Act.

III. And, whereas, many Acts of the General Assembly passed heretofore and during this session, for laying district and county taxes, are drawn to correspond with the former mode of assessing property, whereby doubts may arise in the construction of such Acts, Be it therefore Enacted by the authority aforesaid, That every person holding lands by deed or entry where there is no caveat, or holding lands by lease for five years or for life, or in right of dower, shall pay in lieu of the tax in such Acts directed to be levied on the hundred pounds a district or county tax, as the case may be, on every three hundred acres; and also on each and every free poll being twenty-one years of age, and on every slave male and female between twelve and fifty years old, equal to the tax imposed by the said Acts respectively

on each hundred pounds taxable property and no more; any law to the contrary notwithstanding.

CHAPTER VII.

An Act for Levying a Tax for the Purposes Therein Mentioned, and for Investing the United States in Congress Assembled With a Power to Collect the Same.

I. Whereas, by a resolve of the United States in Congress assembled of the eighteenth of April, one thousand seven hundred and eighty-three, it is recommended to the several States for a term limited to twenty-five years, to appropriate to the discharge of the interest and principal of the debts contracted on the faith of the United States for supporting the war substantial and effectual revenues of such nature as they may judge most convenient for supplying their proportion of one million five hundred thousand dollars annually; and whereas the proportion of this State until the rule of confederation can be carried into practice, is estimated by the United States in Congress assembled to be one hundred and nine thousand and six dollars;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That there be, and there hereby is granted to the United States in Congress assembled power to collect within this State, for the purpose of discharging the said sum of one hundred and nine thousand and six dollars, being the proportion assigned this State, the following tax under the following regulations and restrictions, that is to say: Six pence currency on every hundred acres of land, one shilling and six pence upon every poll, and one shilling and six pence upon every hundred pounds value of town lots with their improvements; to be ascertained according to an Act of the General Assembly of this State, intituled, "An Act to amend an Act, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting public taxes; to be accounted for by the collectors, under such regulations as the United States in Congress assembled shall direct." Provided, That such regulations do not extend so far as to subject any citizen of this State to be carried out of the same for trial, or to compel him to answer to any action without the State, or to deprive him of a trial according to the constitution and laws of this State.

III. And be it further Enacted by authority aforesaid, That the collectors of the said taxes shall be appointed by the General Assembly of this State, or during their recess by the Governor by the advice of the council of state, one in each county, which said collectors shall be citizens of the same; and no person shall proceed to execute the office of collector until he shall give bond with ample and sufficient security in two thousand pounds, payable to the Governor for the time being and his successors in office, for the faithful discharge of his duty, which bond shall be entered into at the next county court succeeding such appointment, and lodged in the secretary's office there to be safely kept, and may be put in suit from time to time until the whole penalty is recovered; and before entering on the duty of his office shall also take the following oath before the county court: "I, A. B., do swear as collector for the county of ——— I will well and truly execute the trust reposed in me, agreeable to law." Which oath shall be entered on the minutes of such court, and subscribed by such collector.

IV. And be it further Enacted by the authority aforesaid, That such collectors when so appointed, shall be ameanable to, and removable by the United States in Congress assembled; and in case of death, resignation or removal of any collector, a successor shall be appointed within thirty days after the United States in Congress assembled shall give notice for that purpose by the General Assembly, if sitting, and if not by the Governor with the advice of the council of state; and if in case the General Assembly or the Governor and council shall neglect to supply a vacancy occasioned as aforesaid within the term of thirty days after notice as aforesaid, power is hereby given to the United States in Congress assembled to supply and fill the same with some citizen of this State, who shall not proceed to execute the office of collector until he has given bond and taken the oath aforesaid, which oath the county court is hereby authorized and required to administer.

V. And be it further Enacted by the authority aforesaid, That the collectors shall attend by themselves or their deputies in the several districts in their respective counties, one day at least in the month of March in each and every year, previously giving due notice of the time and place, to receive from the inhabitants of such district the taxes herein before mentioned; and if any person after being lawfully notified as aforesaid, shall neglect or refuse to pay the same on or before the first day of April in every year, such collectors may, and they are hereby impowered by themselves or their deputies to levy the same by distress and sale of the goods and chattels of such delinquent; and shall be entitled to take and receive for such distress four shillings and no more. Provided, that no distress shall be made on slaves without the consent of the owner thereof, if other sufficient personal estate can be found; and if it shall appear to any collector that any person in his district is about to remove himself and effects out of the county, then it shall and may be lawful for such collector to destrain on so much of the goods and chattels of such person previous to the said first day of April as will fully pay his or her taxes for that year and charges of distress.

VI. And be it further Enacted by the authority aforesaid, That if the tax on the real estate of persons residing out of this State, or of the inhabitants thereof who have not any personal property therein, shall not be discharged within one year after the same becomes due, then such estate or so much thereof as shall be necessary to discharge such tax, with all contingent charges, shall be sold by the collector by order of the county court, a particular and special return being made for that purpose.

VII. And be it further Enacted by the authority aforesaid, That the revenue so collected shall be carried to the separate credit of this State, and shall be applied to the discharge of the interest and principal of the debts contracted on the faith of the United States for the support of the late war only, and each of the collectors aforesaid shall annually transmit to the General Assembly an account of the proceeds and defalcations of the said revenues in his respective county, and shall be obliged whenever required by the Legislature to produce his book or books for their inspection; and an annual account of the proceeds and application of all the aforesaid revenues shall be made out and transmitted annually by the United States in Congress assembled, specifying also the amount of the whole revenues of this kind received from each State, together with the allowances made to the several officers employed in the collection of the said taxes. Provided nevertheless, That should the tax established as aforesaid yield a sum ex-

ceeding the said proportion of one hundred and nine thousand and six dollars the excess shall be refunded to this State.

VIII. And be it further Enacted by the authority aforesaid, That this Act shall be and continue in force for the space of twenty-five years, in the nature of a grant sacred and inviolable by this State without the concurrence of the whole or a majority of the United States in Congress assembled, as soon as the United States in Congress assembled shall notify the General Assembly of this State, or the Governor or commander-in-chief for the time being, during their recess, that all the other States in the confederation have passed Acts vesting the United States in Congress assembled with power to levy in their respective States like taxes, to be appropriated in like manner, and for the space of twenty-five years, in the nature of a grant sacred and irrevocable by any one or more of them without the concurrence of the whole or a majority of the United States in Congress assembled. Provided, That the monies arising from the said revenue and other monies that may be appropriated for the like purposes shall not be sufficient to discharge the said principal, debt and interest, before the said term of twenty-five years is expired. And provided also, That this State shall have power of changing the mode of levying the tax herein before mentioned, at any time within the aforesaid term of twenty-five years, for any other mode that shall be deemed more convenient to the citizens of this State.

CHAPTER VIII.

An Act for Imposing a Duty or Tax in Aid of the Public Revenue Upon the Different Articles Therein Mentioned Sold at Auction or Public Vendue, and for Regulating Auctioneers or Vendue Masters.

I. Whereas, for the better support of government it becomes necessary that a tax should be imposed upon the nett amount of several articles sold at public auction;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and immediately after the first day of July next a duty or tax of two and a half per cent. be, and the same is hereby assessed and shall be levied upon the nett amount of all lands, negroes, horses, goods, wares and merchandize whatsoever, sold by auction or public vendue in the several towns hereafter mentioned; and every auctioneer or vendue master shall keep in his hands out of the nett amount of such sales, after deducting his own commissions, the sum of fifty shillings for every hundred pounds produced thereby, and so at that rate for a greater or less sum; which said duty shall be paid into the public treasury to be applied towards the support of government.

III. And for the better and more certain collection of the said duty, Be it Enacted by the authority aforesaid, That George Doherty, for the town of Wilmington; Isaiah Chaddock, for the town of Beaufort; Thomas Sitgreaves, for the town of New Bern, and Stephen Owen, for the town of Washington; James Emmit, for the town of Fayetteville, and Edmund Blount, for the town of Edenton, be and they are hereby appointed auctioneers or vendue masters; which said auctioneers or vendue masters shall be commissioned by the Governor, and upon a vacancy in any of the said offices the Governor for the time being shall make a temporary appointment until the General Assembly shall fill up the vacancy: and every

vendue master before he shall be impowered to act as such shall enter into bond, payable to the Governor or commander-in-chief for the time being and his successors in office, in the penalty of ten thousand pounds, with sufficient securities, conditioned for the faithful discharge of his duty in office, and that he will well and truly at the end of every three months render an account on oath to the treasurer of the district in which he shall reside of the sales of all goods by him disposed of as auctioneer or vendue master, and which shall be liable to the duty or tax hereby imposed, and shall pay to the said treasurer the taxes arising upon such sales; and the said treasurers are hereby required to call upon the auctioneers or vendue masters within their respective districts once in every three months to render an account of the sales by them made as aforesaid; and in case of neglect or refusal to render such account and make payment as aforesaid, the treasurers are hereby authorised and required to commence an action or actions against him or them for the recovery of the penalty of the said bond, which upon any such neglect is hereby declared to be forfeited to the use of the State.

IV. And be it further Enacted by the authority aforesaid, That if any person or persons shall sell or expose for sale by public auction in any of the said towns any lands, negroes, horses, goods, wares or merchandizes, not their own property, in any of the towns aforesaid, before he or they shall have given bond with securities as aforesaid, or without any appointment to the office of auctioneer or vendue master, every such person or persons shall for every public sale or auction so made forfeit the sum of five hundred pounds current money, to be recovered by action of debt by the respective treasurers in any court having cognizance thereof, and applied to the use of the State.

V. Provided always, and be it Enacted by the authority aforesaid, That nothing in this Act shall extend or be construed to extend to levy any tax from or to prevent the sales of the estates of any deceased persons, or any property, real or personal, sold under any execution, attachment or decree of any court of law or equity, but that all such property and estates shall be sold by the sheriff of the county in which the same shall be situated, except the estates of deceased persons, who by will may direct any particular mode of sale, in which case the will of the testator shall be pursued. And provided also, that goods destrained and sold for rent shall not be liable to any duty or tax.

VI. And be it further Enacted by the authority aforesaid, That every auctioneer or vendue master to be appointed by virtue of this Act, shall and may take and receive for his trouble in selling, keeping an account of, collecting and paying the monies for which such lands, negroes, horses, goods, wares and merchandizes, shall be sold, including the bonds to be taken when the said articles or any of them shall be sold on credit the following commissions, that is to say: On all lands, slaves, horses and goods, wares and merchandizes, sold by the bale, package or cask, forty shillings for every hundred pounds by them to be sold; on all goods, wares and merchandizes by the piece, dozen or set, or any less quantity, two pounds ten shillings for every hundred pounds to be sold, and so in proportion for a greater or less sum; and when any of said articles shall be sold on credit the bonds for securing the payment thereof shall be taken payable to the auctioneer or vendue master who shall sell the same, and shall by him be collected and paid after deducting his own commissions and the duty hereby imposed, to the person or persons to whom such articles shall belong, his or their factor or agents.

CHAPTER IX.

An Act for Authorizing the United States in Congress Assembled to Regulate the Trade of This State With Foreign Nations.

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That for the more effectual removal and prevention of any restraints now existing, or that may hereafter be laid by foreign powers upon the commerce of the United States, the delegates from this State to Congress are hereby authorized on behalf of the same to agree to and ratify any article or articles by which the Congress of the United States shall be impowered to prevent or prohibit the importation of all foreign goods or commodities in any other than ships or vessels owned by citizens of the United States, or any of them, or such a proportion of seamen citizens of the United States or any of them, as from time to time may be agreed to by nine States in Congress assembled; and the article or articles containing the power aforesaid, or a power substantially the same, when agreed to by the other States in the Union, shall be considered, taken and held as a part of the articles of confederation and perpetual union. Provided always, That this Act shall not be in force until all the States in the Union shall have vested Congress with similar powers.

CHAPTER X.

An Act Vesting Certain Powers Therein Mentioned in the United States in Congress Assembled.

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the United States in Congress assembled, shall be and they are hereby authorized and impowered in the final settlement of the proportion to be born by this State in the general expences of the war, from the commencement thereof until the first day of January, one thousand seven hundred and eighty-two, except the monies loaned to the United States, to assume and adopt such principles as from the particular circumstances of this State and the several States in the Union at different periods may appear just and equitable, without being wholly confined to the rules laid down in the eighth of the articles of confedereation, in cases where the same cannot be applied without manifest injustice.

CHAPTER XI.

An Act Ceding to the Congress of the United States Certain Western Lands Therein Described, and Authorizing the Delegates from this State in Congress to Execute a Deed or Deeds for the Same.

I. Whereas, the United States in Congress assembled, by their resolutions of the sixth of September and tenth of October, one thousand seven hundred and eighty, have earnestly recommended to the respective States in the Union claiming or owning vacant Western territory to make cessions of part of the same; and whereas by their resolution of the eighteenth of April, one thousand seven hundred and eighty-three, as a further means as well as hastening the extinguishment of the debts as of establishing the

harmony of the United States, it was recommended to the States which have passed no Acts towards complying with the said resolutions, to make the liberal cessions therein recommended; and this State ever desirous of doing ample justice to the public creditors as well as establishing the harmony of the United States,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That this State do hereby cede to the Congress of the United States for the said States, all right, title and claim which this State has to the lands west of the Apalachian or Alleghany mountains, beginning at the Virginia line where the said line interesects the extreme height of the said mountain, thence with the said mountain to the thirty-fifth degree of north latitude, being the southern boundary, thence running in the said thirty-fifth degree to the Missisippi, thence up the Missisippi to thirty-six degrees thirty minutes of north latitude, being the northern boundary of this State, thence to the first station; and delegates from this State in the Congress of the United States are hereby authorized and impowered to execute a deed or deeds on the part of this State, conveying to the Congress of the United States all the right, title and claim to the government and territory thereof, that this State now has or ever had in or to the said territory above ceded, upon the following express conditions and reservations, and subject thereto, that is to say: First, That neither the lands nor the inhabitants of the territory westward of this said line shall be estimated after this cession shall be accepted in the ascertaining of the proportion of this State with the United States in the common expence occasioned by the late war. Secondly, That the lands laid off or directed to be laid off by any Act or Acts of Assembly of this State for the officers and soldiers, their heirs and assigns, respectively, and if the bounds of the lands already prescribed for the officers and soldiers of the Continental line of this State shall not contain a sufficient quantity of lands fit for cultivation to make good the several provisions intended by law, that such officer or soldier who shall fall short of his allotment or proportion after all the lands fit for cultivation within the said bounds are appropriated be permitted to take his quota, or such part thereof as may be deficient in any other part of the said Western country not already appropriated within the time limited by law for the said officers and soldiers to survey and lay off their respective proportions; and where entries have been made and titles under them not perfected by grant or otherwise, then and in that case the Governor for the time being shall and is hereby required to perfect such titles in such manner as if this Act had never been passed; and that all entries made by, or grants made to all and every person and persons whatsoever under the laws of this State, and within the limits hereby ceded to the United States, shall have the same force and effect as if this cession had not been made; and that all and every right of occupancy and pre-emption, and every other right reserved by any Act or Acts to persons settled on any occupying any lands within the limits of the lands hereby ceded as aforesaid, and all reservations of hunting grounds for the use of the Indians, shall continue to be in full force in the same manner as if this cession had not been made, and as condtions upon which the said lands are ceded to the United States: And further, it shall be understood, that if any person or persons shall have by virtue of the law commonly called the land law now in force in this State located his or their entry to any spot or piece of ground on which any other person or persons shall have previously located an entry or entries, that then and in that case the person or persons making such entry or entries

or their assignee or assignees, shall have leave and be at full liberty to remove the location of such entry or entries to any lands on which no entry has been specially located, or on any vacant lands included within the limits of the lands hereby ceded; Provided, That nothing herein contained shall extend or be construed to extend to the making good any entry or entries, grant or grants heretofore declared void by any Act or Acts of the General Assembly of this State. Thirdly, That all the lands hereby ceded to the United States and not reserved or appropriated as before shall be considered as a common fund for the use and benefit of such of the United American States as now are or shall become members of the confederation or federal alliance of the said States, North Carolina inclusive, according to their respective and usual proportion in the general charge and expenditure; and shall be faithfully disposed of for that purpose, and for no other use or purpose whatever. Fourthly, That the territory so ceded shall be laid out and formed into a State or States, containing a suitable and convenient extent of territory; and that the State or States so formed shall be a distinct republican State or States and admitted members of the federal union, having the same right of sovereignty as other States; and that the State or States which shall be hereafter erected within the territory now ceded, shall have the most full and absolute right to establish and enjoy, in the fullest latitude, the same constitution and the same bill of rights which are now established in the State of North Carolina, subject to such alterations as may be made by the inhabitants at large or a majority of them, not inconsistent with the confederation of the United States. Provided always, That no regulations made or to be made by Congress shall tend to emancipate slaves, otherwise than shall be directed by the Assembly or Legislature of such State or States. Fifthly, That if Congress do not proceed to accept the lands hereby ceded in due form and give official notice thereof to the delegates of this State, if in Congress, or to the executive or legislative authority within twelve months from the passing of this Act, then this Act shall and will be of no force, and the lands hereby ceded revert to the State.

CHAPTER XII.

An Act to Prevent Doubts as to the Right of Sovereignty and Jurisdiction In and Over the Territory Lying West of the Apalachian Mountains, for Shutting the Land Office, and for Indemnifying John Armstrong, Esq., Entry-Taker, Against Vexatious Suits for His Conduct in Office.

I. Whereas the General Assembly by Act passed this session, has ceded on certain conditions therein mentioned to the United States in Congress all the territory which belonged to this State lying west of the Apalachian or Alleghany mountains; and whereas doubts may arise with respect to the sovereignty and jurisdiction of the territory aforesaid until the United States in Congress shall accept or refuse the cession;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the sovereignty and jurisdiction of this State in and over the territory aforesaid, and all and every the inhabitants thereof, shall be and remain the same in all respects until the United States in Congress shall accept the cession, as if the Act aforesaid had never passed.

III. And whereas it is just and right that no further entries of lands within the territory aforesaid should be allowed until the United States in

Congress refuse the cession aforesaid, Be it Enacted by the authority aforesaid, That the said office be and the same is hereby discontinued; and that all entries of lands in the said territory made since the 25th day of May, 1784, or which shall hereafter be made in the said office of John Armstrong, shall be and they are hereby declared void, except such entries of lands as shall be made by the commissioners, agents and surveyors who extended the lines of the lands allotted to the Continental officers and soldiers, and the guards and hunters, chain carriers and markers who attended the said commissioners; which entries shall and may be received by the said John Armstrong agreeable to the report of the committee, and proceedings had thereon in the same manner as if this Act had not passed, and that the said John Armstrong shall not be liable to the action of any person or persons for damages, or to any fine or penalty for refusing to receive any entry or entries of lands except the entries to be made for the lands last above mentioned, lying in the territory aforesaid, on the said 25th day of May, or at any time since, any law to the contrary notwithstanding.

CHAPTER XIII.

An Act to Impower the Delegates of this State in Congress to Assent to a Repeal of Part of the Eighth of the Articles of Confederation and Perpetual Union Between the Thirteen States of America, and to Subscribe and Ratify the Alteration Proposed in the Recommendation of Congress of the 18th of April, 1783, in Place Thereof, as Part of the Said Instrument of Union.

I. Whereas, by a resolve of the United States in Congress assembled of the 18th of April, 1783, it is recommended that so much of the eighth of the articles of confederation and perpetual union between the thirteen States of America as is contained in the words following, to-wit: All charges of war and all other expences that shall be incurred for the common defence or general welfare and allowed by the United States in Congress assembled, shall be defrayed out of a common treasury which shall be supplied by the several States in proportion to the value of all land within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint, be repealed and made void.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the delegates of this State in Congress be and they are hereby authorised, impowered and directed to assent to the repeal of so much of the eighth of the articles of confederation and perpetual union between the Thirteen States of America as is recited in the foregoing words.

III. And whereas it is also recommended by the United States in Congress assembled in the words following, to-wit: "That all charges of war and all other expences that have been or shall be incurred for the common defence or general welfare, and allowed by the United States in Congress assembled, except so far as shall be otherwise provided for, shall be defrayed out of the common treasury, which shall be supplied by the several States in proportion to the whole number of white and other free citizens and inhabitants of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not com-

prehended in the foregoing description, except Indians not paying taxes, in each State, which number shall be triennially taken and transmitted to the United States in Congress assembled, in such mode as they shall direct and appoint; Be it therefore Enacted by the authority aforesaid, That the delegates of this State in Congress be and they are hereby fully authorised, impowered and directed to subscribe and ratify the same as part of the said instrument of union.

CHAPTER XIV.

An Act to Amend An Act, Intituled, "An Act for Opening the Land Office for the Redemption of Specie and Other Certificates, and for Discharging the Arrears Due to the Army.

I. Whereas, by the said Act no mode is pointed out for appointing a surveyor or surveyors for surveying the lands entered in the general entry-office kept by Col. John Armstrong.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That three surveyors be appointed by joint ballot of both houses to survey the said lands, viz.: One to survey those lands that lye between the bounds hereafter described for the surveyor of Greene county and Cumberland mountain, one to survey those lands that lye between the Cumberland mountain and the river Tenasee, and one to survey those lands that lye between the Tenasee and the Missisippi river, who shall each of them give bond with sufficient security in the penal sum of ten thousand pounds, payable to his Excellency the Governor and his successors in office for the faithful discharge of his duty agreeable to law, which said bond shall be deposited in the secretary's office, and upon breach of the condition of the said bond, the same shall be assigned by the Governor to the party or parties injured, who may maintain an action thereon in his or their name, and no such bond shall become void upon its recovery or if judgment shall be given for the defendant, but may be put in suit and prosecuted from time to time until the whole penalty shall be recovered.

III. And be it further Enacted by the authority aforesaid, That the surveyors elected by joint ballot of both houses as aforesaid shall have power, and are hereby authorized to appoint one or more assistant surveyors to assist them in their respective districts in the execution of their offices, for whose conduct the said surveyors so elected by joint ballot of both houses shall be respectively answerable as for their own.

IV. And whereas it appears to this General Assembly that there are a number of grants made out by the secretary for lands formerly entered with the entry-takers appointed in the several counties in this State to receive entries of claims for lands, by virtue of an Act passed at New Bern in December, one thousand seven hundred and seventy-seven, intituled An Act for receiving entries of claims for lands, &c., and a number of said grants lye in the secretary's office for which the fees have not been paid, to the great injury of the secretary; for remedy whereof, Be it Enacted by the authority aforesaid, That if the secretary shall send such grants as now are or hereafter may be made out for any lands that have been entered with any entry-taker in this State, before the fifteenth day of July, one thousand seven hundred and eighty-one, to the county where such grantee or grantees reside; and shall cause the arrival of such grants to be advertised four months at least, immediately succeeding such arrival, at the court

house in such county; that then and in that case it shall and may be lawful for the secretary or his agent to ask, demand and receive one shilling per month after the expiration of the said four months, for each and every grant by him sent and advertised as aforesaid, for which the fees are not paid. Provided further, That nothing in this Act contained shall affect a survey of two thousand acres of land made for David Wilson, Esquire, by the surveyor of Greene county.

V. And whereas, by an Act passed the last session of Assembly, intituled, "An Act to erect a county adjoining the line of Virginia, including a part of Cumberland river," It is provided, That the inhabitants of Davidson county shall be allowed the term of eighteen months to procure certificates to pay for the pre-emptions granted to the inhabitants of the said county; and whereas the time allotted to the said inhabitants for the aforesaid purposes will soon expire, and many of the inhabitants from their remote situation have not been able to procure certificates for the purposes aforesaid, Be it therefore Enacted by the authority aforesaid, That the inhabitants of Davidson county, who have claims of pre-emption, and have not paid for the same, be allowed the term of twelve months, from the passing of this Act, to pay for the same, any law to the contrary notwithstanding.

VI. And to prevent disputes respecting the bounds allotted to the surveyor of Greene county, be it Enacted by the authority aforesaid, that the surveyor of Greene county is hereby authorised to survey all lands for which warrants have been or may be granted by Colonel John Armstrong, entry-taker at Hillsborough, lying westward of the Apalachian mountains, and including all the lands on the waters of Holston from the mouth of French Broad river upwards to the bounds of Washington and Sulivan counties, exclusive of the entries made by the entry-taker of Greene county, any thing in any law to the contrary notwithstanding.

VII. And be it further Enacted by the authority aforesaid, that all tracts of land shall be laid off and surveyed in a square or oblong form, as the law directs, and every survey shall be on the lands entered and as nearly as may be agreeable to the locations thereof; and in case any entry shall be made for lands which have been previously granted or entered and located, the surveyor shall and he is hereby authorised to survey the quantity on any vacant lands in this State, which may be located or described by the person who made the entry, or any other person authorised for that purpose.

CHAPTER XV.

An Act to amend an Act, intituled, "An Act for the relief of the Officers and Soldiers of the Continental line, and for other purposes."

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that the surveyor appointed by the Act aforesaid to survey the lands granted to the officers and soldiers of the Continental line of this State shall keep a proper book, wherein he shall enter all locations of lands which have been made agreeable to law, and therein shall insert the name of the person, the number of the location, number of the warrant, quantity of acres, when located, and description of the location, in the following manner:

Persons names.	No of the warrant.	No. of the location.	Quantity of acres.	When located.	Description.

II. And be it further Enacted by the authority aforesaid, that from and after the passing of this Act the office of the said surveyor shall be kept at Nashville, in Davidson county, and conducted under the regulations and upon the principles aforementioned, and thereafter no locations made elsewhere shall be deemed valid.

III. And be it further Enacted by the authority aforesaid, that any officer having a warrant for lands may have the same surveyed in one tract; and each and every tract surveyed for officers or soldiers shall be run out at the four Cardinal points of the compass either in a square or in an oblong, which last shall in no case be more than twice as long as it is broad, and no survey of less than one thousand acres, whether the same be made for any officer or soldier, or for any person on account of pre-emption or guard-right, shall be extended across any river or creek, where the same is navigable for batteaux: Provided, that when a mountain, river or creek shall interfere in any survey, one side of such survey may be bounded by such mountain, river or creek, and the other three sides shall be run out at the Cardinal points.

IV. And whereas the money paid into the hands of Willie Jones, Henry Montfort, and Benjamin M'Culloch, commissioners by law appointed to liquidate the accounts of the officers and soldiers of the Continental line is found insufficient for the purposes intended; Be it Enacted by the authority aforesaid, that the further sum of ten thousand pounds be granted for the said purposes to be paid into the hands of the said Henry Montfort and Benjamin McCulloch and John Macon who is hereby appointed a commissioner instead of Willie Jones, resigned; and the said commissioners shall severally enter into bond with security in the sum of thirty thousand pounds, payable to the Governor and his successors in office for the time being, for the faithful discharge of the trust reposed in them, and to account with the General Assembly and pay the balance if any that may remain in their hands, as shall hereafter be directed by the General Assembly, and the said commissioners shall take the following oath: "I, A. B., commissioner for liquidating the accounts of the officers and soldiers of the Continental line, do swear that I will discharge the trust reposed in me to the best of my knowledge, and that I will apply all the money that I shall receive in virtue of my office (my lawful allowance excepted), as the law directs." And the said commissioners, or a majority of them, are hereby authorized to demand and receive out of the tax for the year of one thousand seven hundred and eighty-three the said ten thousand pounds, viz: From the treasurer of Edenton district fifteen hundred and forty pounds, from the treasurer of the district of Newbern, fifteen hundred and forty pounds, from the treasurer of Wilmington district fifteen hundred and forty pounds, from the treasurer of the district of Salisbury fifteen hundred and forty pounds, from the treasurer of the district of Hillsborough fifteen hundred and forty pounds, from the treasurer of the district of Halifax fifteen hundred and forty pounds, from the treasurer of the district of Morgan seven hundred and sixty pounds.

V. And be it further Enacted by the authority aforesaid, that the said commissioners or a majority of them shall settle the accounts of the officers and soldiers not yet adjusted for services prior to first of January, one thousand seven hundred and eighty-two, computing interest to the first of August, one thousand seven hundred and eighty-three, and shall pay one-fourth of the balance in money, and issue indented certificates

for the remainder, dated the said first day of August, one thousand seven hundred and eighty-three.

VI. And be it further Enacted by the authority aforesaid, that if the sum of ten thousand pounds hereby granted for the purpose of paying one-fourth of the demands for services prior to January, one thousand seven hundred and eighty-two, should still be insufficient, that the commissioners shall nevertheless proceed to settle finally all the accounts to them exhibited, and shall issue certificates for three-fourths of the several balances due as in other cases, and a separate and distinct certificate shewing what is due to each claimant in money, taking a receipt in full, in order that the State may be enabled to settle and obtain full credit with the United States; and the claimants to whom such certificates for the one-fourth part of their demands due in money shall be granted, shall be intitled to have and receive the amount of such certificates in current money out of the tax to be collected for the year one thousand seven hundred and eighty-four, to be paid as the General Assembly shall hereafter direct.

VII. And be it further Enacted by the authority aforesaid, That the said commissioners shall not in future allow or pay the account or claim of any officer or soldier to them exhibited, unless the same, if an officer's account, be certified by General Sumner, or some field-officer who continued in service to the end of the war; and if a soldier's account, by a captain or other commissioned officer, and countersigned by some field-officer who continued in service to the end of the war: And it is also hereby declared, that no pay shall be allowed to any soldier who deserted for the time which elapsed during such desertion notwithstanding he might afterwards join the army; but if any soldier deserted and did not join the army again, such soldier shall not be intitled to any pay or land for the time subsequent to the day of desertion.

VIII. And be it further Enacted by the authority aforesaid, that the said commissioners shall have twenty-four shillings each per day for every day they shall be actually sitting as a board in discharge of the duties of their office, and for the risque and trouble of receiving and paying the money by this Act granted shall have one per cent. to be divided among them, and no more.

CHAPTER XVI.

An Act for the relief of such persons as have been disabled by wounds or rendered incapable of procuring for themselves and families subsistance in the Mliitia Service of this State, and providing for the Widows and Orphans of such as have died.

I. Be it Enacted by the General Asembly of the State of North Carolina, and it is hereby Enacted by the authority of the Same, that from and after the passing this Act, that every person who shall come within the above description shall apply to the court of the county in which he or they shall reside, which court on such application, shall certify to the General Assembly the distresses of such person or persons, who shall have an allowance adequate to their relief for one year, which allowance shall be continued for the next succeeding year, and so long as such court shall certify such person to continue under the description aforesaid; which order or certificate of court being countersigned by the speakers of the

General Asembly, shall be a sufficient voucher to any sheriff, collector, or treasurer paying the same, in the settlement of their public accounts.

II. And be it further Enacted by the authority aforesaid, that the widows and orphans of such persons as come within the above description, shall be intitled to obtain relief on application to the county court, in the same manner as those disabled persons before-mentioned.

III. And be it further Enacted by the authority aforesaid, that the allowances made to objects within either of the before-mentioned descriptions during the present session of Assembly, shall be paid by the treasurers or either of them, according to the order contained in the certificate of such allowance, any thing herein contained to the contrary notwithstanding.

CHAPTER XVII.

An Act for the relief of such persons who have through misapprehension entered their lands in a different County from that wherein they lye, by which means they are deprived of a Legal Title; for remedy whereof,

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that all such entries shall be as good and valid in law as if they had been made in the proper office of the county wherein they lye; and it shall and may be lawful for the surveyor or surveyors who may have the warrants in possession, to lay out and survey the said lands so entered, and make returns thereof to the secretary's office, who is hereby required to issue grants for the same, under the like rules, regulations and restrictions, as prescribed by law; and all such titles heretofore granted or hereafter to be granted, shall be good and valid in law, to secure the property to the grantee, to all intents and purposes as if the said lands had been entered with the entry-taker of the county wherein they lye, any law, usage or custom to the contrary notwithstanding: Provided, that this Act shall extend only to the counties of New-Hanover and Brunswick: And provided also, that no persons shall take any benefit by this Act, unless the lands entered were generally conceived to be within the county wherein such entries may have been made, and the persons making such entries shall have performed public duties, and paid public taxes in such counties, as inhabitants thereof before the time of making such entries.

CHAPTER XVIII.

An Act to describe the Lands granted to Major General Nathaniel Greene, and to confirm the Title thereof in the said Nathaniel Greene, his Heirs and Assigns forever.

I. Whereas the General Assembly by an Act passed in April and May session seventeen hundred and eighty-two, intituled, An Act for the relief of the officers and soldiers in the Continental line, and for other purposes therein mentioned, did allot and give to the said Nathaniel Greene, his heirs and assigns, twenty-five thousand acres of land as a mark of their high sense of the extraordinary services of the said Nathaniel Greene; and directed the same to be laid off by the commissioners by the said Act appointed, within the bounds of the lands reserved for the use of the army: And whereas Absalom Tatom, Isaac Shelby, and Anthony Bledsoe,

commissioners appointed by the said Act to examine and superintend the laying off the lands reserved for the use of the army, in purusuance of the said Act; and agreeable thereto did lay off and survey, or cause to be laid off and surveyed, twenty-five thousand acres of land for the said Nathaniel Greene, a plot of which was duly returned, and now is among the public papers, bounded as follows: beginning on the south bank of Duck river, on a sycamore, cherry tree and ash, at the mouth of a small branch, running thence along a line of marked trees, south seven miles and forty-eight poles to two Spanish oaks, a hicory and sugar sapling, thence east six miles and ninety poles to a Spanish oak and hackberry tree, north three miles and three hundred poles to a sugar tree sapling, and two white oak saplings, under a clift of Duck river where it comes from the northeast, thence down Duck river according to its several meanders to the beginning.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the absolute property of the land so laid off by the commissioners, and included in the bounds above-mentioned, be and it is hereby vested in fee simple in the said Nathaniel Greene, his heirs and assigns forever; and his Excellency the Governor is hereby directed to make out and execute without delay, on behalf of the State, a good and sufficient grant with the seal of the State annexed in due form, to the said Nathaniel Greene, his heirs and assigns, for the lands above described, and to cause the same to be recorded or registered in the proper offices, and then to transmit the said grant as soon as may be to the said Nathaniel Greene.

III. And be it further Enacted by the authority aforesaid, That all entries, warrants, surveys and grants, which have been made or obtained subsequent to March the eleventh, seventeen hundred and eighty-three, the date of the return of the survey of said Nathaniel Greene's lands, or shall be hereafter made, or obtained by any other person or persons for the said lands, or any part thereof, shall be and they and every of them are hereby declared utterly void, any law to the contrary notwithstanding.

CHAPTER XIX.

An Act to impower the County Surveyors to make surveys and returns in the manner therein mentioned.

I. Whereas it has been found impracticable to survey most of the entries of lands made in and adjoining the large swamps in the eastern parts of this State agreeable to the manner directed by the Acts now in force, without putting the persons entering the same to great and unnecessary expence; for remedy whereof,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the surveyors or any of them in the eastern parts of this State, and they or either of them are hereby impowered and required to survey for any person or persons whosoever his or their entries of land already made or that hereafter may be made in or adjoining any of the great swamps, (be the number of entries more or less) in one intire survey, and return the same to the secretary's office, who is hereby impowered and required to make out a grant or grants for the same, agreeable to such return: Provided, that the entries so border on each other as to render this mode more practicable than to survey the same separately.

III. And be it further Enacted by the authority aforesaid, That where two or more persons shall have entered or may hereafter enter lands jointly, or where two or more persons agree to have their entries surveyed jointly in one or more surveys, the surveyor is hereby impowered and required to survey the same accordingly in one intire survey; and the persons so agreeing to have their entries surveyed, or entering lands jointly, shall hold the same as tenants in common, and not as joint tenants.

IV. And be it further Enacted by the authority aforesaid, That the owner or owners of lands surveyed in manner aforesaid, shall be obliged to pay to the surveyor or surveyors and secretary the same fees as are allowed by law for other lands.

V. And be it further Enacted by the authority aforesaid, That so much of any Act or acts now in force in this State as comes within the purview and meaning of this Act shall be, and the same is hereby repealed and made void.

CHAPTER XX.

An Act for repealing Part of an Act passed at Hillsborough in May, one Thousand Seven Hundred and Eighty-Three, intituled, "An Act for opening the Land Office for the Redemption of Specie and other Certificates, and discharging the arrears due to the Army."

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That so much of the twelfth section of the Act aforesaid as is contained in these words, viz. "Provided also, and it is hereby expressly declared, That it shall not be lawful for any person or persons to claim, enter or survey the Great Island in Holston river, and if any such entry be made (the same having been made in open violation of treaty) is hereby declared void. And be it Enacted, That the said island shall be and hereby is reserved and appropriated to the sole purpose of holding the beloved talks and treaties on with the said Cherokee Indians, and shall not be granted, sold or disposed of to any person or persons whatever," be and it is hereby repealed and declared utterly void.

CHAPTER XXI.

An Act for the relief of persons who have suffered or may suffer by their Grants, Deeds and Mesne Conveyances not being proved and registered within the time heretofore appointed by Law.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all grants for lands entered in the late land-office, under the present constitution, which have not been registered within the times heretofore appointed by law, shall and may within two years after the passing of this Act be admitted to registration, and shall be as good and valid as if they had been registered within the time aforesaid; and all grants for lands obtained as aforesaid, which have been registered since the expiration of the time by law appointed for their being registered, shall be as good and valid to all intents and purposes as if they had been registered within the time aforesaid, any law to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That all deeds and mesne conveyances of lands, tenements and hereditaments not already registered, acknowledged or proved, shall and may within two years after the passing of this Act be acknowledged by the grantor or grantors, his or their agents or attornies, or proved by one or more of the subscribing witnesses to the same, and tendered or delivered to the registers of the counties where such lands, tenements or hereditaments are respectively situated; and all deeds and mesne conveyances whatsoever which shall be acknowledged or proved according to the directions of this Act, though not within two years after the date of such conveyance, shall be good and valid in law, and shall inure and take effect as fully and effectually to the use and behoof of the grantees, their heirs and assigns, and those claiming under them, as if such deed and conveyance had been acknowledged or proved, and registered agreeable to the directions of any law heretofore made: Provided, that nothing in this Act contained shall be construed so as to admit to record or registration, or ratify and enforce any grant or grants heretofore made in Lord Granville's office.

III. And where any purchase of land hath been made within this State since which time the grantor or grantors, or the subscribing witnesses have removed themselves out of the county where such land lies, Be it Enacted by the authority aforesaid, That if any person or persons under the before-mentioned circumstances shall make it appear to the satisfaction of the county court of the county in which such land may lye, the said court is hereby impowered to grant a dedimus, directed to some justice of the peace in the county or State where such grantor or grantors, or any of the subscribing witnesses may be, impowering the said justice to take the acknowledgement or probate of such deed or deeds, and requiring him to certify the same under his hand and seal, directed to the said county court, setting forth that such deed or deeds have either been acknowledged by the grantor or grantors, or otherwise proved by the oath of one or more of the subscribing witnesses; then and in that case such county court is hereby impowered to admit such deed or deeds to record and registry, which shall be as valid in law as if the same had been acknowledged or proved in open court of said county, any law to the contrary notwithstanding.

CHAPTER XXII.

An Act to regulate the descent of Real Estates, to do away Entails, to make provision for Widows, and prevent frauds in the Execution of last Wills and Testaments.

I. Whereas it will tend to promote that equality of property which is of the spirit and principle of a genuine republic, that the real estates of persons dying intestate should undergo a more general and equal distribution than has hitherto prevailed in this State,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That when any person shall die seized or possessed of, or having any right, title or interest in and to any estate, or inheritance of land, or other real estate in fee simple, and such person shall die intestate, his or her estate or inheritance, shall descend in the following manner, to wit: To all the sons to be equally divided amongst them, and for want of sons, to all the daughters to be divided amongst them equally, share and share alike, as

tenants in common in severalty, and not as join-tenants, other than such son or daughter as shall have lands settled on him or her by his or her deceased parent in fee simple, equal to the share which shall descend to the other sons or daughters, as the case may be, respectively; and in case any son or daughter shall have lands settled on him or her, by his or her deceased parent, not equal to the share which shall descend to such sons or daughters, as the case may be, respectively as aforesaid, then so much of the lands or other real estate of the deceased shall descend to such son or daughter, so provided for, as will make the estates of all the children entitled by this Act to the inheritance, as nearly equal as can be estimated; and each and every of the children of the deceased so inheriting, shall have, hold and enjoy, in the land so descending, such estate as the said deceased had and held in the same at the time of his decease: Provided always, That if any child of such intestate shall have died in the life-time of the parent, his or her lineal descendants shall be held to represent their parent, and shall stand in the same place he or she would have done, and shall be intitled to the same portion of the estate of their grand-father or grand-mother, as their father or mother would have been entitled to if living; such part or portion to be divided amongst the sons, and for want of sons among the daughters, as tenants in common in severalty, and not as join-tenants.

III. And whereas it is almost peculiar to the law of Great Britain, and founded in principles of the feudal system which no longer apply in that government, and can never apply in this State, that the half-blood should be excluded from the inheritance, Be it therefore Enacted by the authority aforesaid, That if any person dying intestate should at the time of his or her death be seized or possessed of, or have any right, title or interest in or to any estate or inheritance in lands or other real estate in fee simple, and without issue, such estate or inheritance shall descend to his or her brothers, and for want of brothers, to his or her sisters, as well those of half-blood as those of whole-blood; to be divided amongst them equally, share and share alike, as tenants in common and not as join-tenants, and each and every of them shall have, hold and enjoy in their respective parts or portions such estate or inheritance as the intestate died seized or posessed of, or entitled unto: Provided always, That when the estates shall have descended on the part of the father, and the issue to whom such inheritance shall have descended shall die without issue, male or female, but having brothers or sisters of the paternal side of the half-blood, and brothers or sisters of the maternal line, also of the half-blood, such brothers and sisters respectively of the paternal line shall inherit in the same manner as brothers and sisters of the whole-blood, until such paternal line is exhausted of the half-blood; and the same rule of descent and inheritance shall prevail amongst the half-blood of the maternal line under similar circumstances, to the exclusion of the paternal line: Provided also, That if any brother or sister of the intestate shall have died in the life-time of the intestate, leaving issue male or female, such issue shall represent their deceased parent, and stand in the same place he or she would have done if living, and shall be entitled to the same part or portion of the estate of his or their uncle or aunt, as his or their father or mother would have been entitled unto if living, such part or portion to be divided amongst such representatives, if more than one, among all the sons, and for want of sons, among all the daughters equally, share and share alike, as tenants in common and not as join-tenants.

IV. And be it further Enacted by the authority aforesaid, That the

same rules of descent shall be observed in lineal descendants and collaterals respectively, when the lineal descendants shall be further removed from their ancestor than grand children, and when the collaterals shall be further removed than the children of brothers and sisters.

V. And whereas entails of estates tends only to raise the wealth and importance of particular families and individuals, giving them an unequal and undue influence in a republic, and prove in manifold instances the source of great contention and injustice, Be it therefore Enacted by the authority aforesaid, That from and after the ratification of this Act any person seized or possessed of an estate in general or special tail, whether by purchase or descent, shall be held and deemed to be seized and posessed of the same in fee simple, fully and absolutely without any condition or limitation whatsoever to him, his heirs and assigns forever, and shall have full power and authority to sell or divide the same as he shall think proper, and such estate shall descend under the same rules as other estates in fee simple; and all sales and conveyances made bona-fide, and for valuable consideration, since the first day of January, in the year of our Lord one thousand seven hundred and seventy-seven, by any tenant in tail, in actual possession of any real estate where such estate hath been conveyed in fee simple, shall be good and effectual in law to bar any tenant or tenants in tail, and tenants in remainder of and from all claim and claims, action and actions, and right of entry whatsoever, of in and to such entailed estate, against any purchaser, his heirs or assigns, now in actual possession of such estate, in the same manner as if such tenant in tail had possessed the same in fee simple.

VI. And whereas in real and personal estate held in join-tenancy the benefit of survivorship is a manifest injustice to the families of such as may happen to die first, Be it therefore Enacted by the authority aforesaid, That in all estates real and personal, held in join-tenancy, the part or share of any tenant dying shall not for the future descend or go to the surviving tenant or tenants, but shall descend or be vested in the heirs, executors, administrators or assigns respectively of the tenant so dying, in the same manner as estates held by tenancy in common, any law, usage or custom to the contrary notwithstanding: Provided always, That estates held in join-tenancy for the purposes of carrying on and promoting trade and commerce, or any other useful work or manufacture established and pursued with a view of profit to the parties therein concerned, shall be vested in the surviving partner or partners, in order to enable him or them to settle and adjust the partnership-business and pay off the debts which may have been contracted in pursuit of the said joint-business; but as soon as the same shall be effected the survivor or survivors shall account with and pay and deliver to the heirs, executors, administrators and assigns respectively of the deceased partner or partners, all such part, share and sums of money, as he or they may be entitled to by virtue of the original agreement if any, or according to his or their share or part in the joint-concern, in the same manner as partnership stock is usually settled between joint merchants and the representatives of their deceased partners.

VII. And whereas by the laws of descents as it now stands, when any person seized of a real estate in fee simple, dies intestate without issue, and not having any brother or sister, such estate descends to some collateral relation, notwithstanding that the intestate may have parents living, a doctrine grounded upon a maxim of law not founded in reason, and often iniquitous in its consequences, Be it therefore Enacted by the authority

aforesaid, That in case of any person dying intestate, possessed of an estate of inheritance without leaving any issue, or not having any brother or sister, or the lawful issue of such who shall survive, the estate of such intestate shall be vested in fee simple, in his or her parent, from whom the same was derived; or if such estate was actually purchased or otherwise acquired by such intestate, then the same shall be vested in the father of such intestate if living, but if dead, then in the mother of such intestate and her heirs, and if the mother of the intestate should be dead, then in the heirs of such intestate on the part of the father, and for want of heirs on the part of the father, then to the heirs of the intestate on the part of the mother.

VIII. And whereas the dower allotted by law in lands for widows in the present unimproved state of this country, is a very inadequate provision for the support of such widows, and it is highly just and reasonable that those who by their prudence, economy and industry, have contributed to raise up an estate to their husbands, should be intitled to share in it, Be it therefore Enacted by the authority aforesaid, That if any person shall die intestate, or shall make his last will and testament, and not therein make any express provision for his wife, by giving and devising unto her such part or parcel of his real or personal estate, or to some other for her use, as shall be fully satisfactory to her, such widow may signify her dissent thereto before the judges of the superior court, or in the court of the county wherein she resides, in open court, within six months after the probate of the said will, and then and in that case she shall be intitled to dower in the following manner, to wit: One-third part of all the lands and tenements, and hereditaments, of which her husband died seized or possessed. Provided always, That any conveyances made fraudulently to children or otherwise, with an intention to defeat the widow of the dower hereby allotted, shall be held and deemed to be void, and such widow shall be intitled to dower in such land so fraudulently conveyed as if no conveyance had been made, which said third part shall be and inure to her own proper use, benefit and behoof, for and during the term of her natural life; in which said third part shall be comprehended the dwelling house in which the said husband shall have been accustomed most generally to dwell next before his death, and commonly called the mansion house, together with the offices, outhouses, buildings, and other improvements thereunto belonging or appertaining. Provided always, That in case it should appear to the said judges or justices that the whole of the said dwelling-house, out-houses, offices and appurtenances, cannot be applied to the use of the wife, without manifest injustice to the children or other relations, then and in that case such widow shall be intitled to such part or portions of said dwelling-house, out-houses, offices and improvements thereunto belonging, as they shall conceive will be sufficient to afford her a decent residence, due regard being had to her rank, condition, and past manner of life; which dwelling-house, out-houses, offices and improvements, or such part thereof so allotted the said widow, shall be and inure to her druing the term of her natural life; and furthermore, if such husband shall die leaving no child, or not more than two, then and in that case she shall be intituled to one-third part of the personal estate; but if such husband shall die leaving more than two children, then and in that case such widow shall share equally with all the children, she being intitled to a child's part.

IX. And whereas the present mode of suing for dower is dilatory, expensive and intricate, Be it Enacted by the authority aforesaid, That after the

ratification of this Act, it shall and may be lawful for any widow having claim to dower, to file her petition in the superior court of the district, or the court of the county where her husband shall have usually dwelt, setting forth the nature of her claim, and particularly specifying the lands, tenements and hereditaments of which her husband died seized or possessed, and praying that her dower may be allotted to her; whereupon the said court shall issue their writ to the sheriff of the county where the lands, tenements and hereditaments of the deceased husband lie, commanding him to summon twelve free-holders connected with the parties neither by consanguinity or affinity, and intirely disinterested, who upon oath (which oath the sheriff is hereby impowered to administer) shall allot and set off to the said widow, one-third part of all the lands, tenements and hereditaments in the said county, of which the said husband was so as aforesaid seized or possessed, and shall put her in possession of the same, which possession shall vest in her an estate for her natural life, in the third part of the lands, tenements and hereditaments of which her husband was so as aforesaid seized or possessed; and the said sheriff and freeholders shall also put her in possession of the house or mansion, or part or portion thereof, in which her said husband most generally dwelt next before his decease, and of all offices, out-houses, buildings and improvements thereunto belonging, or in any-wise appertaining; and in case of the lands, tenements and hereditaments that were of the estate of the deceased lying in different counties, the court shall issue their writs to the sheriffs of the several counties respectively, commanding them as aforesaid, which writs shall be executed in manner as aforesaid directed, when the lands, tenements and hereditaments lie in the same county; and such sheriff and jury shall also allot and set off to such widow, such part or portion of the personal estate of which her husband died possessed, and to which by this law she shall be intitled, which part or portion shall be and inure to such widow, her executors, administrators and assigns for ever.

X. And be it further Enacted by the authority aforesaid, That the proceedings upon such petitions for dower shall be in a summary manner, and the judges or justices shall at the first court when such petitions are filed, proceed to hear and determine as to them shall seem just and right: Provided always, That the party petitioning for dower, shall give ten days previous notice to the heirs and executors, or executors and administrators of the last will and testament of her deceased husband, and shall serve him, her or them, with a copy of the said petition.

XI. And whereas wills and testaments which ought to be the most solemn and best considered act of a man's life, are in too many instances the most indiscreet, and from weakness of body and mind, and the undue influence of those about them, and from an omission of due ceremonies, the true intentions of the testator are frustrated, and injustice done to those for whom he meant specially to provide, Be it Enacted by the authority aforesaid, That no last will or testament shall be good or sufficient either in law or equity to convey or give any estate in lands, tenements or hereditaments, unless such last will shall have been written in the testator's life-time, and signed by him or some other person in his presence, and by his direction, and subscribed in his presence by two witnesses at least, no one of which shall be interested in the devise of the said lands.

XII. And whereas for want of knowledge in the law many real estates are devised in such a manner as to frustrate the intentions of the testators, and it not unfrequently happens from the difficulty of discovering such intentions, that the posterity of such testators are disinherited, and the

families of such persons whose fortunes are intended to be promoted are left without support; for remedy whereof, Be it therefore Enacted by the authority aforesaid, That from and after the ratification of this Act, where any lands, tenements, hereditaments, or other real estate shall be devised to any person or persons, the same shall be held, deemed and construed to be a devise in fee simple, unless such devise shall in plain or express words, or it shall be plainly intended by such will or some part thereof, that the testator intended to convey an estate of less dignity, any law, usage or custom to the contrary notwithstanding.

XIV. And be it further Enacted by the authority aforesaid, That no written will shall be revoked or altered by a subsequent nuncupative will, except the same be in the life time of the testator reduced to writing and read over to him and approved, and unless the same be proved to have been so done by the oaths of two witnesses at least, who shall be such as are admissable upon trials at common law.

XV. And be it further Enacted by the authority aforesaid, That no nuncupative will in any wise shall be good where the estate exceeds one hundred pounds current money of the State, unless proved by two such witnesses as last mentioned present at the making thereof, and unless they or some of them were specially required to bear witness thereto by the testator himself, and unless it was made in his last sickness in his own habitation or dwelling house, or where he had been previously resident ten days at least, except he be surprized with sickness on a journey or from home, and dies without returning to his dwelling.

XVI. And be it further Enacted by the authority aforesaid, That no nuncupative will shall be proved by the witnesses after six months from the making, unless it were put in writing within ten days, nor shall it be proved till fourteen days after the death of the testator, nor till process hath first issued to call in the widow or next of kin, or both if conveniently to be found to contest it if they think proper.

XVII. And be it further Enacted by the authority aforesaid, That every law heretofore in force in this State, and every clause or part thereof which come within the purview of this Act are hereby repealed and made void.

CHAPTER XXIII.

A supplimental Act to an Act, intituled, "An Act for proving of Wills and granting Administration, and to prevent frauds in the management of Intestates Estates."

I. Whereas it is Enacted in the ninth section of the said Act, "That creditors of any person deceased shall make their claims in seven years after the death of such debtor, otherwise such creditor shall be for ever bared; and if it shall happen that any sum or sums of money shall hereafter remain in the hands of any administrator after the term of seven years shall be expired, and not recovered by any of kin to the deceased, or by any creditor in that time, the same shall be paid to the church-wardens and vestry to and for the use of the parish where the said money shall remain." And as there are no church-wardens or vestry to make claim in such cases,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That

as soon as an administrator shall have finished his administration on such estates, and no creditor shall make any further demand, the residue of such estate shall be deposited in the treasury, and there to remain without interest, subject to the claim of creditors and the lawful representatives of such decedent without being subject to limitation or time.

III. And be it further Enacted by the authority aforesaid, That the treasurer who is hereby authorized and impowered in all such cases to demand payment of such administrator, and on refusal or delay, to give notice of thirty days to appear and shew cause why he refuses or delays payment, and on non-appearance to enter up judgment, and thereon proceed to execution for the purposes aforesaid.

CHAPTER XXIV.

An Act directing the appointment of Delegates agreeable to the recommendation of Congress.

I. Whereas by the fifth of the articles of confederation and perpetual union of the United States it is agreed, that for a more convenient management of the general interest of the United States delegates shall be annually appointed in such manner as the Legislature of each State shall direct, to meet in Congress on the first Monday in November every year;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the delegates of this State to the Congress of the United States, shall be chosen at the annual meeting of the General Assembly to serve in Congress one year, to commence on the first Monday in November, next ensuing the time of their appointment; and when vacancies shall happen by removal or resignation of any of the said delegates within the year, others shall be appointed in their stead to serve only for the remainder of that year, and the delegates so appointed shall be furnished with commissions or credentials under the seal of the State, particularly specifying the time of which they are appointed, any law, usage or custom to the contrary notwithstanding.

CHAPTER XXV.

An Act to amend an Act passed at Hillsborough in the year One Thousand Seven Hundred and Eighty-Three, intituled, "An Act for emitting One Hundred Thousand Pounds for the purpose of Government for One Thousand Seven Hundred and Eighty-Three, for the redemption of the Paper Currency now in circulation, and advancing to the Continental Officers and Soldiers part of their pay and subsistence, and for levying a Tax and appropriating the confiscated property for the redemption of the money now emitted;" and also an Act passed at Halifax in the year One Thousand Seven Hundred and Seventy-Nine, intituled, "An Act for punishing persons concerned in any of the several species of Counterfeiting in this State, to prevent the Counterfeiting of Certificates issued by the Public Authority, and to subject persons guilty of Counterfeiting the Bills of Credit of this State in any of the neighbouring States to the same punishment as if the offence had been committed in this State."

I. Whereas in the said Act passed at Halifax in the year one thousand seven hundred and seventy-nine, it is Enacted, That if any person or per-

sons shall be found guilty of altering or passing any counterfeit bills of credit, lottery tickets or loan-office certificates, for the second offence he or they shall suffer death without benefit of clergy: And whereas in the said Act passed at Hillsborough in the year one thousand seven hundred and eighty-three, it is Enacted, That whosoever shall by printing, writing, engraving, or by any ways and means counterfeit any of the said bills of credit emitted by virtue of this Act, or any part, word, letter, name, emblem or device of the same, or shall make or construct any die, press, type or other instrument for emitting or counterfeiting any of the said bills, or any part, name, emblem or device thereof (except by authority of law or in case where such may be signed to bring suspected persons to justice) or shall alter or deface any of the said bills with intention to change the value and denomination thereof, or shall knowingly pass or utter any counterfeit likeness of any of the said bills, being thereof lawfully convicted by confession or verdict, or on arraignment on trial shall stand mute or challenge peremptorily more than thirty-five jurymen, every such person or persons shall be subjected to and suffer the same pains and penalties as are provided by an Act passed at Halifax in the year one thousand seven hundred and seventy-nine, intituled, An Act for punishing persons concerned in any of the several species of counterfeiting in this State, and these laws being found ineffectual in preventing the uttering and passing the counterfeit bills aforesaid,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing this Act, if any person or persons shall be a second time convicted of uttering or passing in manner aforesaid any such counterfeit bills of credit, lottery tickets or loan-office certificates, he or they on such second conviction shall suffer death without benefit of clergy, any law to the contrary notwithstanding.

III. And be it further Enacted by the authority aforesaid, That whosoever shall by printing, writing or engraving, or by any other ways or means counterfeit any of the comptrollers, auditors, commissioners, colonels, or any other certificates issued by public authority, or any part, word or letter of the same, with an intention to defraud and deceive, or shall alter or deface any such certificates with an intention to change the value or denomination thereof, or shall knowingly pass or offer to pass or present as a voucher any counterfeit likeness of such certificates, being thereof lawfully convicted, shall suffer the same pains and penalties as are by law inflicted on persons convicted of counterfeiting the bills of credit of this State.

IV. And whereas there is reason to apprehend that wicked and ill-disposed persons resident in the neighbouring States, make a practice of counterfeiting the current bills of credit of this State, and by themselves or emissaries utter or vend the same with an intention to defraud the citizens of this State, Be it therefore Enacted by the authority aforesaid, That all such persons shall be subject to the same mode of trial, and on conviction liable to the same pains and penalties as if the offence had been committed within the limits of this State, and be prosecuted in the superior court of any district within this State.

CHAPTER XXVI.

An Act to prevent the exportation of unmerchantable commodities.

I. Whereas the establishment of an inspection for certain articles exported from this State would be of great utility to the commerce thereof,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the justices of the county courts of pleas and quarter sessions, in the several counties hereafter-mentioned, are hereby authorized and required at the first or second court to be held in each of the said counties after the passing of this Act, and on the first court in each county, respectively, which shall be held next after the first day of January in each succeeding year, to nominate and appoint in open court one or more fit or proper person or persons, residing in the said county, to attend at such times and places as are by this Act appointed and directed to inspect all such beef, pork, rice, tar, pitch and turpentine, staves and heading, fish, flour, butter, flax-seed, sawed lumber and shingles, as shall be exposed to sale for exportation within the respective counties according to the directions of this Act; and every inspector so appointed shall before he enters upon or executes his office enter into bond with two good and sufficient securities in the penalty of five hundred pounds current money, for the true and faithful discharge of his office according to the directions of this Act (which bond and securities every such court respectively is hereby impowered and required to demand and take, and cause to be acknowledged before them in open court and recorded), and the said bond shall be made payable to the Governor or commander in chief for the time being and his successors in office, and shall be in force for the term of three years after such inspector shall be out of office, and that in the name of the Governor or commander in chief for the time being, any person or persons injured may and shall at his, her or their costs and charges commence and prosecute a suit or suits on such bond against the parties therein bound, their executors or administrators, and shall and may recover all damages which he, she or they may have sustained by reason of the breach of the condition thereof; and the said bond shall not become void upon the first recovery, or if judgment be given against any plaintiff or plaintiffs who may sue on such bond, but may be put in suit and prosecuted from time to time for the benefit of the party or parties injured until the whole penalty expressed in such bond shall be recovered: Provided always, That if any verdict or judgment shall pass for such inspector or his security, the person or persons at whose instance such suit shall be prosecuted shall pay double costs; and every such inspector shall take the following oath, to wit: I, A. B. do swear that I will faithfully, impartially and diligently execute the office of inspector, and that I will not for favour, affection, prejudice or partiality, brand for any person whatsoever any barrel of beef, pork, rice, tar, pitch or turpentine, fish, flour, butter or flax-seed, or pass any staves or heading, lumber or shingles other than such as are declared lawful by an Act of Assembly, intituled, "An Act to prevent the exportation of unmerchantable commodities," according to the best of my skill and judgment.

III. And be it further Enacted by the authority aforesaid, That the county courts of pleas and quarter-sessions of the respective counties shall be and are hereby authorised and impowered at any time to discharge any inspector from his said office, who shall misbehave himself and act contrary to his duty therein, the party complaining giving such inspector ten days previous notice in writing of the complaint against him with the par-

ticulars thereof; and at the death or on the disability of any of them to appoint another to succeed such dead, disabled or misbehaving inspector, and if any such death should happen in the vacation of such courts, it shall then be lawful for any three justices of such court to nominate and appoint some other fit and proper person as inspector until the next succeeding court for such county, or if any inspector shall be rendered incapable of performing his duty by sickness or other accident, it shall then be lawful for such inspector by and with the consent of three justices to appoint some other person as an assistant during the said inspector's sickness or other disability, which consent shall be certified under their hands and lodged with the clerk of the court of the county wherein the inspector resides, and the person so appointed shall take the same oath as inspectors appointed by the courts, and the inspector shall be liable to the same fines and penalties for the said assistant's bad conduct and misbehaviour as he is liable to for his own.

IV. And be it further Enacted by the authority aforesaid, That the places and landings hereafter-mentioned shall be and are hereby appointed for the inspection of beef, pork, rice, tar, pitch, turpentine, fish, flour, butter, and flax-seed, staves and headings, sawed lumber and shingles, to which places all of the said commodities before sold or exported shall be brought, examined and inspected according to the directions herein after-mentiond, that is to say: In New-Hanover county, at the town of Wilmington, New-Topsail Inlet, and South Washington; in Brunswick county, at the town of Brunswick, Walkersburg and Eagles Island opposite the town of Wilmington, and the Great Island below the Flats, and all other convenient landings; Provided, the inspector appointed by the court of Brunswick county for the landing on Eagles Island, opposite Wilmington, do reside in that town, any thing in this Act to the contrary notwithstanding; in Onslow county, at Swansborough, Bear-Inlet, New River-Inlet, and all other convenient landings; in Carteret county, at Beaufort, David Bell's landing on White-Oak, and Abraham Dudley's on Houston's creek; in Craven county, at Newbern, Clubfoot's creek, Lower Broad creek and Swift creek bridge; in Beaufort county, at Bath, Washington, Broad creek, South Dividing creek, Durham's creek and Blount's creek; in Pitt county, at Martinborough, Lanier's Landing, E. Salter's, Dupree's and Ellis's landings, and Spiers's landing, the Red Banks and Simpson's landing; in Hyde county, at Woodstock and Log-House landing; in Tyrrell county, at Ballard's wharf, Coniby and other convenient landings; in Chowan county, at Edenton, Rocky Hock, Black Halls, Red Banks, Wilder's landing; in Bertie county, at the landings heretofore in use for lading of vessels; in Hertford county, at the landings heretofore used for lading of vessels; in Northampton county, at Figure's Point, and Pitch landing, and Jones's warehouse; in Halifax county, at Halifax town and Edwards's ferry; in Edgecomb county, at Tarborough, and all other convenient landings; in Perquimons county, at the landings heretofore used for the lading of vessels; in Pasquotank county, at Nixinton, Newbegun-creek, Pasquotank river bride, Little river bridge, Simon's creek bridge, Winfield and Parmer's landing, Possum Quarter; in Currituck county, at Tull's creek bridge, Moyack creek, Widow Jarvis's near the Narrows, Indian Town bridge, Checonocomick, near Thomas Paine's landing, at the head of Tull's Creek, Currituck court house, mouth of North river, Cowenjack bridge and Lindsay's; in Cumberland county at Fayette-ville; in Camden county, at the landings where commodities have usually been shipped; Wayne county, Cobb's Landing, Spring Bank, old store, West Point; Martin county, at the landings heretofore used; Dobb's county, Kingston,

Abraham Shepperd's, Bryant Whitfield's, Benjamin Caswell's landing, Peacock's bridge; Davidson county, at Nash-ville; Montgomery county, at Allen's landing; Jones county, at Trenton, Pollock's ferry, and other convenient places; Johnston county, at Smithfield and Boon's landing; Gates county, at Old Town, Bennett's creek and other convenient places: Provided nevertheless, That any person or persons having at any landing, which is not by this Act appointed a place of public inspection, a quantity of merchandize for exportation, and being desirous to ship the same directly on board a vessel for exportation from such landing, it shall and may be lawful for such person or persons intending to ship and export the said merchandize as aforesaid, to call any inspector, who is hereby required to inspect and brand the same under the rules and directions herein mentioned, any thing in this Act contained to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That where any such inspector shall be appointed by this Act to be held in any town that sends a representative to the Assembly, the court of the county wherein such town is shall not nominate or appoint any other inspector or inspectors for any such inspection, but such person or persons who shall during his continuance in office reside in such town.

VI. And be it further Enacted by the authority aforesaid, That no master or commander of any ship or vessel shall take on board his ship or vessel any such cask or barrel, or other inspectable commodity as aforesaid, without being inspected and branded, as by this Act is required, under the penalty of one hundred pounds for each offence, one half to the informer and the other half to the wardens of the county wherein the offence shall be committed, to the use of the poor of such county, to be recovered with costs by action of debt, in any court of record having cognizance thereof.

VII. And be it further Enacted by the authority aforesaid, That no naval officer shall enter any ship or vessel before the master or commander thereof shall have taken the following oath: You shall swear that you will not export in the ship or vessel whereof you are master or commander, any barrel of beef, pork, rice, flax-seed, tar, pitch, turpentine, fish, flour or butter, that shall not have an inspector's brand thereon, except such as shall be necessary for the vessel's use: Which oath the naval officer of the port or his deputy is hereby impowered and required to administer, and shall and may take and receive of such master for the same two shillings and eight-pence and no naval officer shall clear out any ship or vessel until the master shall produce a certificate or certificates from the inspector or inspectors that his cargo has been inspected agreeable to this Act, under the penalty of fifty pounds, current money, to be recovered and applyed as before directed.

VIII. And be it further Enacted by the authority aforesaid, That every naval officer or his deputy shall grant a certificate to the master or commander of any ship or vessel of his having taken such oath, under the penalty of twenty-five pounds for each neglect or refusal, to be recovered and applied as herein before directed, for which certificate the naval officer shall and may receive three shillings.

IX. And be it further Enacted by the authority aforesaid, That every such inspector shall constantly attend at the places for which he shall or may be appointed, and shall provide an iron to brand any of the commodities, bearing the name of the inspector and his place of residence, and shall find laborers equally with the owner to assist in weighing the several commodities he shall inspect and weigh, and also shall find and provide proper steelyards or scales of the lawful standard for that purpose; and if any inspector shall neglect his duty, or brand or stamp any of the commodities

contrary to this Act, or brand any empty barrel or lend his brand to any person or persons whatsoever, he shall forfeit and pay for every barrel or cask of beef, pork or rice, fish, flour or flax-seed, ten pounds, and for every barrel of tar, pitch or turpentine, twenty shillings, and for branding any empty barrel or lending his brand one hundred pounds, to be recovered with costs, by action of debt, by and for the use of any person who shall sue for the same before any jurisdiction having cognizance thereof, and every other person or persons that shall by any ways or means brand or procure to be branded any cask or barrel as aforesaid, than by the inspector or by his assistant, he or they so offending, shall forfeit and pay for every such offence the same fines and penalties as inspectors are by this Act liable to pay for breach of duty or misbehaviour.

X. And be it further Enacted by the authority aforesaid, That all beef or pork packed within this State for sale or exportation, shall be put in good and sufficient new white oak casks, which shall not contain more than thirty-one gallons and an half, wine measure, each barrel, and fifteen gallons and three quarts each half barrel; and all barrels and half barrels shall be made of timber seasoned at least six months after the riving, the staves not less than half an inch thick when wrought, the heading not less than three quarters of an inch thick and well dowelled, twelve good substantial hoops on each cask; and the whole to be tight, fit to hold pickle, and made in a workman-like manner, and shall contain at least two hundred and twenty pounds of good clean, sound and merchantable meat, well salted and cured with at least half a bushel of salt to each barrel, and nailed and packed, and no more than two heads in one barrel, and not any boar's flesh in any barrel of pork, or any heads or bull's flesh, or more than two shanks in any barrel of beef; and every cask of rice shall be filled with sound and well cleaned rice, and after the same has been inspected, found good and merchantable, every such barrel shall be by him branded as aforesaid, and a certificate thereof given to the owner, bearing date in words at length the same day such commodity was inspected and passed.

XI. And be it further Enacted by the authority aforesaid, That each barrel of fish shall be full of well saved fish and packed with half a bushel of allum salt, and the barrel shall not contain less than thirty-two gallons wine measure, and each barrel of flour shall contain one hundred and ninety-six pounds weight of nett flour well ground, bolted and packed.

XII. And be it further Enacted by the authority aforesaid, That every barrel of pitch or turpentine shall contain thirty-two gallons, and be free from any fraudulent mixture, and in good and sufficient casks made of good seasoned staves at least three quarters of an inch thick and not exceeding four inches in breadth, and each to be at least two-thirds covered with good hoops and the joint of the head placed perpendicular to the bung, and before it be branded by the inspector shall be weighed in his presence, and every barrel of pitch or turpentine shall weigh not less than three hundred and twenty pounds weight including the barrel, and if any pitch or turpentine shall be found by the inspector to be fraudulently mixed, the same shall be condemned and forfeited to the use of the poor where the same shall be, and may by the wardens thereof be cleansed and sold for such use, and every barrel of tar shall be the guage of thirty-two gallons wine measure, and every barrel of less size or in bad casks not being two-thirds bound with hoops shall be put in merchantable order at the expence of the owner, and every barrel of tar, pitch and turpentine, after the same shall be inspected, guaged, found clean, well filled, and in merchantable order, shall be by him branded: And for as much as it

is difficult in warm and rainy weather to separate tar from water, it is hereby declared, That water shall not be accounted a fraudulent mixture in any tar, but that in such cases the barrel shall not be branded by the inspector until the same is as free from water as it can be made, any thing herein contained to the contrary notwithstanding.

XIII. And be it further Enacted by the authority aforesaid, That every maker of tar, pitch or turpentine, shall mark or brand every such barrel with the initial letters of his or her name not less than one inch long, under the penalty of one shilling for every barrel as may not be so branded, and every person so failing or neglecting shall also pay one half-penny per barrel to the inspector for marking the same with the initial letters of the maker's name, which fee shall be paid by the person paying the fees of inspection, and by him may be charged to the maker, and every inspector shall keep a book in which shall be fairly entered the maker's name and mark of every barrel of beef, pork, rice, tar, pitch and turpentine, flour, fish and butter, the number of barrels landed, the number of barrels inspected of the same mark, the merchant or shipper's name causing the same to be inspected, and the time of inspection, and shall give a certificate of any parcel to any person requiring the same on payment of one shilling.

XIV. And whereas the said commodities by being exposed to the sun or kept too long on hand after inspection may become unmerchantable, Be it further Enacted by the authority aforesaid, That no beef, pork, rice, fish, flour or butter shall be shipped on board any ship or vessel for exportation after the expiration of sixty days from the time the same was inspected, nor any tar, pitch or turpentine after the expiration of twenty days, until the same shall have been again inspected, and certificate or certificates granted in the same manner as if such commodities had never been inspected; any thing herein contained to the contrary notwithstanding: And every person offending herein shall forfeit five hundred pounds, and the master or commander of such ship or vessel shall be liable to the same penalty as for taking on board any of the said commodities without being branded.

XV. And be it further Enacted by the authority aforesaid, That all staves and headings which shall be sold or shipped for exportation shall be of the following dimensions, otherwise not merchantable, to wit: Butt staves shall be five feet nine inches long, four inches broad, and an inch thick on the heart or thin edge and clear of sap; pipe staves four feet eight inches long, four inches broad, and three quarters of an inch thick on the heart or thin edge, and free from sap; hogshead staves shall be three feet six inches long, four inches broad, and three quarters of an inch thick on the heart or thin edge, and free from sap; barrel staves shall be two feet nine inches long, four inches broad, and three quarters of an inch thick on the heart or thin edge, and free from sap; white-oak hogshead heading shall be thirty-two inches long, six inches broad, and one inch thick on the heart or thin edge and clear of sap; barrel heading shall be nineteen inches long, six inches broad, and three quarters of an inch thick on the heart or thin edge and clear of sap, which said several sorts and kinds shall be of the aforesaid dimensions at least and made of sound timber.

XVI. And be it further Enacted by the authority aforesaid, That the dimensions of boards, plank, scantling and shingles shall be as follows, or otherwise not merchantable: All shingles not less than eighteen inches long, four inches broad, and five-eighths of an inch thick, well made and of

sound timber, and no boards or plank shall be deemed merchantable or passed by any inspector that is not free from any split, not less than twelve inches long, hath no edge less than half an inch thick, and as near as may be of an equal thickness at each end; and every board, plank, piece of scantling, or other square timber, being marked with the number of more superficial feet than are contained therein shall be forfeited to the wardens of the county for the use of the poor thereof: Provided nevertheless, That no staves or headings, shingles, boards, plank or scantling shall be inspected unless required by the purchaser.

XVII. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act no cooper or other person whatsoever making casks shall expose to sale any barrel or half-barrel for the holding of pork or beef, other than such as are by this Act directed to be made for that use under the penalty of twenty shillings; and every cooper or other person making barrels or half-barrels before they expose the same to sale shall set his or her proper brand upon the same, which brand shall be recorded in the office of the clerk of the county court where he or they shall reside under the penalty of ten pounds for each and every neglect, and every barrel for tar, pitch and turpentine shall be branded in the manner aforesaid by the maker thereof under the penalty of five shillings.

XVIII. And be it further Enacted by the authority aforesaid, That every seller or exporter of beef, pork, rice, tar, pitch and turpentine, fish, flour, butter and flax-seed, shall produce the certificate of the inspector who inspected the same and make oath or affirmation if required before a justice of the peace on the delivery of the goods sold or exported, that the several commodities by him to be sold or exported are the same that were inspected and passed, and do contain the full quantity mentioned in such certificate without embezzlement to his knowledge, which oath or affirmation the justice shall and is hereby required to certify on the back of the certificate, which certificate the seller shall deliver to the buyer of such commodity sold, and the person exporting such commodities shall deliver such certificate to the master of the ship or vessel on board which the same shall be shipped, and if such seller or exporter shall refuse to make oath or affirmation he shall for every such offence forfeit and pay the sum of one hundred pounds.

XIX. And be it further Enacted by the authority aforesaid, That no person holding any post or place of profit by deputation or otherwise shall be appointed to the office of inspector, and no inspector shall be capable of being elected a member of the Assembly; and if any person shall be appointed to such office and shall accept of any post or place of profit after such appointment he shall be rendered incapable of holding his said office of inspector, and the court shall proceed to appoint another inspector in the room of such person according to the directions of this Act.

XX. And be it further Enacted by the authority aforesaid, That every inspector shall be intitled to take and receive the following fees, to wit: For cleaning and inspecting every cask of flax-seed containing seven bushels one shilling, for every barrel of pork or beef eight-pence, for every barrel or cask of rice, fish, flour or butter six-pence, for every barrel of tar one penny and a half-penny, for every barrel of pitch or turpentine two-pence, for every hundred staves or heading two-pence, for every thousand shingles six-pence.

XXI. And be it further Enacted by the authority aforesaid, That the several fines and forfeitures by this Act inflicted, for which no method of

recovery or application is herein before directed shall and may be recovered with costs before any jurisdiction having cognizance thereof, one-half to the use of the prosecutor, and the other half to the county wherein such penalty shall be incurred to be applied by the justices of the inferior court towards lessening the county tax.

XXII. And be it further enacted by the authority aforesaid, That no inspector shall by himself or others purchase any cullings or other articles that do not pass inspection upon pain of forfeiting fifty pounds, to be recovered and applied in like manner as other fines and forfeitures are directed by this act.

XXIII. And be it further enacted by the authority aforesaid, That the last clause of an act of assembly passed at Newbern in November, one thousand seven hundred and seventy-seven, intituled, An Act to amend the staple of tobacco and prevent frauds be, and the same is hereby repealed and made void.

XXIV. And be it further Enacted by the authority aforesaid, That this Act shall not be in force nor take effect with respect to the exportation of unmerchantable commodities until the first day of September next.

CHAPTER XXVII.

An Act for regulating the Pilotage and facilitating the Navigation of Cape Fear River.

I. Whereas the sums allowed by law to the pilots of Cape Fear river are indadequate to their services, by reason of which they refuse to take out branches to enable them to Act, and several of them go to other States where encouragement is greater; and whereas the duty of the pilots and of the commissioners of pilotage is contained in so many different Acts, that it is become necessary to reduce the substance of them all into one, with such additions and amendments as may tend to render the law in that respect more complete;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commissioners of the pilotage for the bars and river of Cape-Fear, or a majority of them, are hereby authorized and impowered from time to time to examine as many persons as shall offer themselves to be pilots for Cape-Fear river aforesaid, not exceeding ten in number, and on approving any such person to be a pilot shall give to such person a commission under their hands and seals to act as a pilot for the bars or river according as they shall find him qualified.

III. And be it further enacted by the authoriay aforesaid. That every such person shall before he obtains a commission or branch to be a pilot give bond with two sufficient securities to the Governor or Commander in Chief for the time being, and his successors in office, in the sum of two hundred and fifty pounds lawful money of this State, with condition for the due and faithful discharge of his office, which bond shall be lodged in the Secretary's office in trust for such person or persons as shall appear to be injured by such pilot, and shall be assigned to any person applying for the same, and a copy thereof with a copy of such assignment thereon shall be delivered in order to prosecute such pilot and his secureties, and the person or persons to whom any assignment or assignments shall be made shall and may maintain an action thereon, and the bond shall not be void upon the first recovery or if judgment shall be given for the defend-

ant, but may be put in suit from time to time by any person who shall be injured by a breach of the condition thereof until the whole penalty shall be recovered.

IV. And be it further Enacted by the authority aforesaid, That upon the misbehaviour of any pilot in his office, the said commissioners or a majority of them shall and they are hereby authorized and required to remove such pilot from his office by a note in writing directed to him and subscribed by them, and to appoint another in his stead in manner aforesaid, and the commissioners shall put up notice in writing in all public places within the said port, or publish in some convenient newspaper that such pilot is removed.

V. And be it further Enacted by the authority aforesaid, That any number of pilots not exceeding five may be appointed as aforesaid to attend the principal bar of the said river and the New Inlet, and to pilot vessels coming up to or going down from Brunswick and no higher; and such pilots may take and receive for such services for each vessel they shall pilot over the bar or into the New Inlet and up to Brunswick and out again to sea, to wit: For a vessel drawing six feet water three pounds eight shillings, for a vessel drawing seven feet water three pounds thirteen shillings, for a vessel drawing eight feet water four pounds, for a vessel drawing nine feet of water four pounds fourteen shillings, for a vessel drawing ten feet water five pounds, for a vessel drawing eleven feet water six pounds, for a vessel drawing twelve feet water seven pounds seven shillings, for a vessel drawing thirteen feet water eight pounds thirteen shillings, for a vessel drawing fourteen feet water ten pounds, for a vessel drawing fifteen feet water eleven pounds seven shillings, for a vessel drawing sixteen feet water twelve pounds thirteen shillings, for a vessel drawing seventeen feet water fourteen pounds thirteen shillings, for a vessel drawing eighteen feet water seventeen pounds seven shillings, for a vessel drawing nineteen feet water eighteen pounds ten shillings, for a vessel drawing twenty feet water twenty pounds, such draft of water to be computed when the vessel is loaded.

VI. And be it further Enacted by the authority aforesaid, That any number of pilots not exceeding five may be appointed as aforesaid to pilot vessels from Brunswick to Wilmington, who shall and may receive for their services as follows, that is to say: If from Brunswick to Wilmington and back to Brunswick one-half of the aforesaid rates; if to the flats and back to Brunswick one fourth part of the aforesaid rates according to the draught of water such vessels shall draw: Provided always, That in case the trade of the said river should increase so as to require a greater number of pilots the commissioners may authorise one or more persons to act as pilot or pilots until a proper representation can be made to the Legislature to have the number augmented.

VII. And be it further Enacted by the authority aforesaid, That if any pilot who shall be authorised to act as such for Cape Fear shall ask, demand, take or receive any greater fees for his services than are allowed by this Act he shall forfeit and pay the sum of one hundred pounds lawful money of this State, to be recovered by action of debt in any court having cognizance thereof, one-half to the person who shall sue for the same, and the other half to the said commissioners to be by them employed in improving the navigation of the said river; and that all persons concerned may know what fees the pilots may lawfully demand, the commissioners of the pilotage aforesaid shall cause to be affixed in the naval office, in the collector's office, and at Fort Johnston as soon as an officer shall be stationed

there, true copies or tables of the several rates of pilotage as the same are ascertained by this Act.

VIII. And be it further Enacted by the authority aforesaid, That if any vessel shall come over the bar or through the New Inlet before a pilot goes on board the same, the master of such vessel shall not be obliged to pay more than one-half of the pilotage allowed by this Act for bringing vessels to Brunswick, unless such pilot shall make oath that he did his utmost endeavours to get to such vessel before she came over the bar or through the New Inlet as the case may be, any thing herein contained to the contrary notwithstanding.

IX. And whereas many of the Cape Fear pilots have neglected to give due attendance when called upon to pilot vessels up or down the river, Be it therefore Enacted by the authority aforesaid, That when any pilot shall have notice from the master of any vessel or other person in his behalf to attend in piloting such vessel and shall not go on board for that purpose without delay, the pilot having such notice shall forfeit and pay the sum of five pounds (unless he shall at the time of such notice have the actual and personal charge of some other vessel) for each and every day's delay of the vessel of which he had notice to attend by reason of such pilot's neglect, to be recovered by a warrant under the hand of any one of the commissioners on oath being made of the fact (which oath any of the commissioners is hereby authorized to administer) and shall be paid to the master or owner of the vessel so detained or delayed.

X. And be it further Enacted by the authority aforesaid, That if the master of any vessel shall send for or take on board any pilot to conduct such vessel from her station to any other place in the said river, and shall afterwards neglect or delay to remove such vessel (wind and weather permitting) such master shall pay unto the pilot attending ten shillings for each and every day he shall be so detained; and if any vessel which shall be boarded by a pilot without the harbor should happen to be blown off to sea by the violence of the weather, the pilot on board such vessel shall also be intitled to receive from the master thereof ten shillings for every day he shall be at sea until the said vessel shall be brought into port, which sum such master is hereby required to pay.

XI. And be it further Enacted by the authority aforesaid, That if any person not authorized as a pilot for Cape Fear in manner by this Act directed, shall assume and take upon himself the office of pilot, and shall bring or attempt to bring into the said river any vessel whatsoever, such person shall forfeit and pay the sum of twenty pounds, to be recovered by action of debt, one half to the person who shall sue for the same, and the other half to the commissioners for improving the navigation of the said river. Provided always, That it shall be lawful for any person to conduct into the port of Brunswick any vessel in danger from distress of weather or in a leaky condition, any thing herein to the contrary notwithstanding.

XII. And whereas it hath been customary for masters of vessels who are acquainted with the bar of Cape Fear river, the New Inlet, and the river up to Wilmington, to bring their vessels into the harbour and up to the said town without employing any branch pilots, and it being necessary to give good pilots every possible encouragement, Be it therefore Enacted by the authority aforesaid, That when any master of a vessel shall refuse a pilot to come into or up the said river, or any part of the said river to go out of either of the inlets, then such pilots so refused shall be intitled to the full pilotage in the same manner as he would have been had he been

actually employed for the purpose of piloting such vessel; any law, custom, or usage to the contrary notwithstanding.

XIII. And whereas it is necessary that some of the pilots of Cape Fear should reside as near the mouth of the river as possible in order to be ready on all occasions when any vessel may appear off the bar, and there being no situation so convenient as the ground which belongs to the public, on part of which Fort Johnston stood, Be it therefore Enacted by the authority aforesaid, That the commissioners of the said pilotage do suffer such number of pilots as they shall deem necessary to build such houses for the convenience of themselves and families respectively on the public ground as they shall think proper, and that every such pilot may inclose for his own use an acre of ground for his buildings, gardens and other conveniences, to hold the same to such pilot during the time he shall continue in office; and in case such pilot shall die in office, his family shall and may continue in possession of such acre of ground and premises for and during the term of seven years from and after the death of such pilot: Provided always, That none of the pilots shall lay off such acre of ground so near the site of Fort Johnston as to interfere with any fortification hereafter to be erected, of which the commissioners of the pilotage of Cape Fear river are required to take notice, so as to prevent any inconvenient encroachments: Provided also, That the family of any deceased pilot shall not commit any waste on the buildings or improvements made by such pilot; and if any wilful waste shall in such case be committed, such family may be removed by the commissioners.

XIV. And be it further Enacted by the authority aforesaid, That when any branch pilot shall see a vessel on the coast having a signal for a pilot, or shall hear a gun or guns fired off the coast, and shall refuse or neglect to go to the assistance of such vessel, such pilot shall on conviction forfeit and pay the sum of twenty pounds, to be recovered by action of debt in any court of record in this State, the one-half to the informer, and the other half to the master of such vessel.

XV. And be it further Enacted by the authority aforesaid, That if any branch pilot of Cape Fear river shall knowingly suffer any kind of ballast or trash to be thrown out of any vessel into any part of the channel of the said river, and shall not within ten days after the commission of such offence make information therof to one or more of the commissioners of pilotage, such pilot shall upon conviction be forever rendered incapable of acting as a pilot for the said river or any part thereof.

XVI. And whereas it hath been heretofore customary with the pilots of Cape Fear to be equally concerned in the pilotage of vessels coming into the said river, which has been found to be extremely injurious to commerce; for remedy whereof, Be it Enacted by the authority aforesaid, That for the future it shall not be lawful for any of the branch pilots of the said river to be in partnership with any other pilot; and every person desirous of acting as a branch pilot in the said river shall, before he is authorized so to do, take the following oath before one or more of the commissioners of pilotage, which oath the said commissioners or any of them are hereby authorized to administer, to wit: I, A. B. do solemnly swear that I am not at this time, neither will I at any time hereafter during my continuance as a branch pilot for the inlets or river of Cape Fear, be concerned in any partnership with any other pilot in the business of pilotage, so as to receive therefrom any benefit or advantage to myself or my family. So help me God. And every person refusing or neglecting to take the said oath, shall not be permitted to act as a pilot for Cape Fear.

XVII. And whereas it will greatly facilitate the navigation of vessels trading to Cape Fear river that a light house should be erected at the extreme point of Bald-head or some other convenient place near the bar of said river, in order that vessels may be enabled thereby to avoid the great shoal called the Frying-Pan, Be it therefore Enacted by the authority aforesaid, That an additional duty of six-pence per ton be laid on all ships or vessels coming into the said river to trade, which additional tonnage shall be collected by the collector of the said port in the same manner as the other duty on tonnage imposed by this Act; and the collector shall keep a distinct and seperate account thereof from all other duties, and after deducting five per centum for his trouble in collecting and paying the same, shall once in every six months render an account on oath of all such monies as he shall have received for additional tonnage, and pay the same into the hands of the commissioners of navigation and pilotage for the said river, to be by them reserved for raising a fund for the purpose of establishing a light-house as aforesaid.

XVIII. And as erecting beacons and buoys at the mouth of Cape Fear river and staking the channels of said river would greatly facilitate the navigation thereof, Be it therefore Enacted by the authority aforesaid, That a duty of six-pence per ton be and is hereby laid on all vessels coming into the port of Brunswick to unload goods or to take in a cargo from and after the first day of July next, which several duties the collector of the port is hereby directed and impowered to receive; but before the receipt thereof the collector shall give bond with sufficient security to the Governor or commander in chief for the time being, in the sum of one thousand pounds, conditioned that he will well and truly account with and pay to the said commissioners or their orders when thereto required all such sums of money as he shall receive by virtue of this Act, first deducting thereout five per centum for receiving the same; and in case of a breach of the condition of the said bond, the same shall be put in suit, and the monies recovered thereon be applied by the said commissioners in the same manner as the duties if paid to them would have been, that is to say; In erecting beacons, buoys and stakes in manner herein before mentioned; and the said bond shall be lodged with the clerk of the superior court of Wilmington, who is hereby directed to receive the same and give a promissory receipt to the commissioners to be accountable for it.

XIX. And be it further Enacted by the authority aforesaid, That every master or commander of any ship or vessel liable to pay the said duty shall render to the said commissioners or one of them a certificate signed by himself, specifying the amount of the duty with which he shall be charged, and which he shall pay by virtue of this Act; and every master neglecting or refusing to give such certificate before he shall have cleared out in the naval-office, shall forfeit and pay the sum of five pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof in the name of the commissioners, and to be by them applied to the same uses to which the duties aforesaid are applicable; and the commissioners shall carefully keep the said certificates as checks on the collector of the said duties, and the collector shall render to the commisssioners on oath an account of all sums by him received for duties on tonnage as aforesaid. That when any ship or vessel shall arrive in the port of Brunswick with any infectious distemper on board, the master and pilot of such vessel shall give immediate information thereof to the commissioners of pilotage, and the said commissioners or any three of them are hereby authorised and required to order such master to perform quarentine with his vessel at

such place and for as many days as he shall think necessary; and if such pilot or master shall neglect to give such information the pilot shall forfeit and pay the sum of fifty pounds, and the master for the like neglect shall forfeit and pay the sum of one hundred pounds; and in case the master of any ship or vessel being ordered to perform quarentine shall refuse to comply with such order he shall forfeit and pay the sum of five hundred pounds, the said forfeitures to be recovered by action of debt in the name of the commissioners for the time being, and applied to the improvement of the navigation of the said river; and in case any master of a vessel shall abscond so as to evade the payment of the said forfeitures or any of them, then and in that case the vessel shall be liable, and such vessel may be attached as the property of such master.

XXI. And be it further Enacted by the authority aforesaid, That the collector of the duty on tonnage aforesaid shall have full power and authority to go on board of any vessel in order to measure and ascertain the burthen thereof, and to examine on oath the master of any vessel for that purpose, and no naval officer shall clear out any vessel till the master shall have produced to him a certificate from the collector of the tonnage duty of his having paid the same under the penalty of twenty pounds.

XXII. And whereas the channel of Cape Fear river hath been greatly injured by the throwing ballast and other trash therein; for remedy whereof, Be it Enacted by the authority aforesaid, That every master of a vessel coming into Cape Fear river shall upon his arrival at Wilmington take the following oath before the naval officer or his lawful deputy, who is hereby impowered and required to administer the same, to wit: I, A. B. do solemnly swear that I have not thrown, or caused or suffered to be thrown, nor will I directly or indirectly throw, or cause or suffer to be thrown any ballast into the channel of Cape Fear river or otherwise so as to injure the same, but that all ballast by me imported shall be landed or thrown entirely above low water mark. So help me God. And if any ballast shall be thrown out of any vessel into any part of the channel of the said river by any sailor, mariner or other person whatsoever, the master of the vessel from whence the same shall be thrown shall forfeit and pay the sum of fifty pounds, to be recovered by action of debt by the commissioners of navigation and pilotage, one-half to the informer, and the other half to be applied in improving the navigation of the said river: Provided always, That no recovery shall be had thereon unless suit shall be brought within twelve months after the time the said offence shall be committed.

XXIII. And whereas several of the inhabitants in the neighbourhood of Cape Fear and parts adjacent, have been greatly injured by masters of vessels carrying slaves and servants out of the said port, and the pilots have been great sufferers by such masters departing without paying their pilotage, Be it therefore Enacted by the authority aforesaid, That in all bonds taken from masters of vessels by virtue of an Act, intituled, An Act for the entering of vessels, and to prevent the exportation of debtors, there shall be the following further conditions added thereto, that is to say, That the master giving such bond, shall not transport or carry off any slave or slaves, servant or servants belonging to any inhabitant of this State, and shall not depart the port without paying the pilotage according to law; and in case of a breach of the condition of such bond, or any part thereof, the master and his securities shall be liable in the same manner as they would have been had the additional conditions not been added.

XXIV. And be it further Enacted by the authority aforesaid, That in case of the death, refusal to act, or removal from New-Hanover and

Brunswick counties, or other disability of any of the present or any future commissioners it shall and may be lawful for the remaining commissioners or the majority of them, and they are hereby directed to elect another or others in the room of such commissioner or commissioners, so that the residence of such new-elected commissioner or commissioners be in Brunswick or New-Hanover county, and as nearly convenient to the river and the town of Wilmington as may be, which commissioner or commissioners so elected shall be vested with the same powers as the other commissioners.

XXV. And be it further Enacted by the authority aforesaid, That the commissioners of the pilotage and navigation of Cape Fear river for the time being, shall have authority in all matters that may concern the navigation of the said river from Negro-Head Point downwards and out of each of the inlets; and with respect to throwing trash in the river at the town of Wilmington and the contraction of wharves, shall have a concurrent jurisdiction with the commissioners of the town of Wilmington, and the commissioners of the pilotage and the commissioners of the said town shall consult together upon the best methods of preventing any injury being done to the channel by wharves or otherwise opposite to the said town; and until a fund can be established for the payment of a harbour-master the commissioners of pilotage or such of them as shall reside in the town of Wilmington shall decide all disputes about the mooring of vessels and other matters which properly fall within the department of a harbour-master.

XXVI. And be it further Enacted by the authority aforesaid, That all and every Act and Acts of the General Assembly for facilitating the navigation and regulating the pilotage of Cape Fear, so far as the same concerns the navigation and pilotage of the said river (excepting the duty of three pence per ton upon shipping which is to continue until the duty laid by this Act takes place and no longer, and the appointment of commissioners of the navigation and pilotage) be, and the same are hereby repealed and made void.

CHAPTER XXVIII.

An Act for ascertaining the Fees of the Pilots at Ocacock, Beaufort, and Bogue Inlets, and for appointing Commissioners of Navigation for Bogue Inlet.

I. Be it Enacted by the General Asembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That there shall be allowed and paid to every pilot who shall take charge of any vessel the following pilotage, that is to say: For every ship or vessel drawing eight feet water or less from the outside of the bar into Beacon-Island road three shillings per foot, for every vessel that draws more than eight feet water three shillings and six-pence per foot, and that the same wages be allowed to pilots for pilotage outwards as inwards; and for every vessel from Beacon-Island road that draws six feet water or less to Washington forty shillings, and for every vessel that draws above six feet seven shillings and six-pence per foot; and for every vessel from Beacon-Island road that draws six feet water or less to Edenton four pounds ten shillings, and for every vessel that draws above six feet fifteen shillings per foot; and for every vessel from Beacon-Island road that draws six feet water or less to Newbern forty shillings, and for every vessel that draws above six feet seven shillings and six-pence per foot.

II. And be it further Enacted by the authority aforesaid, That there shall be allowed and paid to every pilot who shall take charge of any ship or vessel over the bar of Beaufort the following fees, that is to say: For every ship or vessel drawing eight feet water or less from the outside of the bar to the anchorage at Shackleford's banks or Borden's banks three shillings per foot, for every vessel that draws more than eight feet water three shillings and six-pence per foot.

III. And be it further Enacted by the authority aforesaid, That Edward Starkey, John Starkey, Williams Nelms, George Mitchell, and Reuben Grant, Esquires, be and they are hereby appointed commissioners for the navigation of Bogue inlet, and they are hereby declared to have the same powers and authorities with respect to the pilots and pilotage of the said inlet and its navigation as the commissioners of navigation in the several ports in this State are invested with by law.

IV. And be it further Enacted by the authority aforesaid, That the pilot for every vessel coming into the said inlet drawing less than seven feet from the outside of the bar to the anchorage at or near Bear banks shall be allowed three shillings per foot, and for every vessel drawing more than seven feet shall be allowed three shillings and six-pence, and that the same fees be allowed to pilots for pilotage outwards as inwards in the several ports and harbours abovementioned; any law, usage or custom to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That the commissioners or a majority of them in each respective port, shall have full power and authority to examine pilots touching their qualification, and upon their approbation to grant them certificates to pilot vessels into the aforesaid ports, and shall annex to the branch or certificate of every such pilot a copy of the fees allowed them by this Act, and also a copy of this clause; and in case any person shall attempt to pilot or take charge of any vessel without having obtained a certificate for so doing, and also given bond in manner as is directed in an Act, intituled, "An Act for facilitating the navigation and regulating the pilotage of the several ports of this State," shall forfeit and pay for each and every offence one hundred pounds current money to the use and benefit of any person suing for the same.

CHAPTER XXIX.

An Act to prescribe the Affirmation of Allegiance and Fidelity to this State to be taken by the People called Quakers, and for granting them certain indulgences therein mentioned.

I. In order to quiet the consciences and indulge the religious scruples of the people called Quakers, Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the affirmation of allegiance and fidelity to this State shall hereafter be taken by all the above-said people in the following form, to wit: "I, A. B. do solemnly and sincerely declare and affirm, that I will truly and faithfully demean myself as a peaceable subject of the Independent State of North Carolina, and that I will be subject to the powers and authorities that are or may be established for the good government thereof, not inconsistent with the constitution, either by yielding an active or passive obedience thereto, and that I will not abet or join the enemies of this State by any means in any conspiracy whatsoever against the said State, or the

United States of America, and That I will disclose and make known to the legislative or executive powers of the said State all treasonable conspiracies which I shall know to be made or intended against the said State." Which said affirmation being taken before any justice of the peace of the county where they reside, shall entitle them to the rights, privileges and immunities of citizens, in as full and ample a manner as those who have taken the affirmation heretofore prescribed by law.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, it shall be lawful for the people called Quakers to wear their hats as well within the several courts of judicature in this State as elsewhere, unless otherwise ordered by the court.

III. And be it further Enacted by the authority aforesaid, That so much of an Act of the General Assembly passed in the year of our Lord one thousand seven hundred and sixty-two, intituled, An Act for the better care of orphans, and security and management of their estates, as comes within the purview of this Act; and also so much of an Act of the General Assembly passed in the year of our Lord one thousand seven hundred and seventy-nine, intituled, An Act to prescribe the affirmation of allegiance and fidelity to this state to be taken by the Unitas Fratrum, or Moravians, Quakers, Menonists and Dunkards, and granting them certain indulgences therein mentioned and other purposes, as relates to the people called Quakers, shall be, and is hereby repealed and made void and of no effct.

CHAPTER XXX.

An Act to impower the several County Courts therein mentioned to lay a Tax annually for the purpose of erecting or repairing the Court House, Prison and Stocks in each County where necessary, and for defraying the contingent charges of the County.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of each county herein mentioned viz. Chowan, Halifax, Cambden, Edgecomb, Caswell, Wake, Washington, Onslow, Northampton, Currituck, Montgomery, Pasquotank, Hertford, Bertie, Tyrrell, Cumberland, Anson, Nash, Richmond, Brunswick, Orange, Craven, Bladen, Jones, Carteret, Chatham, Burke and Dobbs shall and the same are hereby authorised and impowered from and after the passing of this Act to lay a tax annually not exceeding the sum of four shillings current money on every hundred pounds of taxable property in their county, and a poll-tax of four shillings current money on every taxable person in the said county, for the purpose of erecting, finishing or repairing such court house, prison or stocks, in any county within this State, when the same may be found by the said court to be absolutely necessary, and for the purpose of defraying the contingent charges; which said tax shall be collected and accounted for in the same manner, at the same time and by the same persons who are appointed to collect the public tax in each county, and to be paid into the hands of such person or persons as the several county courts shall from time to time hereafter direct: Provided, That a majority of the acting justices of any court wherein any tax shall be laid in virtue hereof shall be present at the time of laying the same.

II. And be it further Enacted by the authority aforesaid, That all and every Act and Acts so far as they come within the purview of this Act be, and they are hereby repealed and made void.

CHAPTER XXXI.

An Act for repealing an Act of the last General Assembly, intituled, An Act to impower the Justices of the County Courts to appoint a County Attorney and Solicitor to prosecute for the State in the County Courts, and for the purpose of appointing a Salary and Fees for the Attorney and Solicitor, and other purposes, and for allowing Fees to Attornies who may hereafter prosecute in the respective Counties in this State, and for regulating the proceedings on Presentments and Indictments.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the above recited Act shall be, and it is hereby repealed and made void.

II. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for any attorney who may hereafter prosecute for the State in any of the county courts in any matter civil or criminal, to have and receive the same fees which are by law allowed to the attorney general of this State for like services.

III. And be it further Enacted by the authority aforesaid, That in all criminal prosecutions hereafter to be had by indictment or presentment in the county courts, it shall be sufficient to all intents and purposes that the bill shall contain the charge against the criminal expressed in a plain, simple, intelligible and explicit manner, and that no bill of indictment or presentment shall be quashed, or judgment arrested, for or by reason of any informalities or refinements, when there appears to the county court sufficient in the face of the indictment to induce them to proceed to judgment.

CHAPTER XXXII.

An Act to ascertain the measurement of fire-wood sold in the several Towns established within this State by the Legislature.

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all fire-wood sold in the towns established within this State by the legislative authority, shall be sold by the cord and no otherwise; and that each cord shall contain eight feet in length, four feet in height, and four feet in breadth, and shall be corded by the carter or seller, under the penalty of twenty shillings for each offence, to be recovered against the owner or seller, before a single magistrate by a warrant, which penalty shall be to the use of the informer.

CHAPTER XXXIII.

An Act to prevent the several species of hunting therein mentioned.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That if any person or persons shall be discovered hunting in the woods with a gun in the night-time by fire-light, such person or persons so offending shall upon conviction by indictment or presentment in any court of record in the State be fined by such court twenty pounds current money, to be applied to the use of the county wherein the offence was committed; and if any person so fined shall fail or refuse to pay such fine, the person so failing or refusing shall

receive thirty-nine lashes on his bare back by order of such court to be well laid on in open view by the sheriff of the county, and shall stand committed until all costs accruing upon the presentment be paid.

II. And whereas many persons make a practice of hunting and killing deer and leaving the carcases in the woods, Be it Enacted, That if any person shall be convicted as aforesaid of killing any deer and leaving the carcases thereof in the woods, he shall for every offence forfeit and pay the sum of twenty shillings.

III. And be it further Enacted by the authority aforesaid, That if any slave or slaves shall be discovered hunting in manner herein before-mentioned, the master of such slave or slaves, or the person in whose service he or they may be, shall upon due conviction of such slave or slaves before any justice of the peace of the county wherein such offence may be committed forfeit the sum of five pounds, to be levied by a warrant immediately to be issued by such justice for that purpose; and if any person shall be duly convicted as aforesaid of sending his slave to hunt with a gun in the night by fire-light he shall be subject to the same pains as are provided by this Act to be inflicted on fire-hunters.

IV. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any person on the east side of the Appalachian mountains to kill or destroy any deer running wild in the woods or unfenced grounds in this State by gun or otherwise, between the twentieth day of February and the fifteenth day of August then next succeeding in each year, unless on his own lands; and if any person on the east side of the said mountains shall kill or otherways destroy any deer within the time before described and contrary to the meaning and intent of this Act, every such person shall forfeit and pay for each and every deer so unlawfully killed or destroyed the sum of forty shillings, to be recovered before any justice of the peace, and applied as is by this Act directed: And in case any servant or slave shall on the east side of the said mountains kill or destroy any deer between the twentieth day of February and the fifteenth day of August in any year, the owner of such slave shall be liable to pay the sum of forty shillings for each deer so unlawfully killed or destroyed to be recovered and applied as before directed.

V. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any person or persons on the east side of the Apalachian mountains to hunt with a gun or with dogs on the lands of any other person without leave obtained from the owner of the said land, under the penalty of forfeiting five pounds for every offence, to be recovered by the owner before any justice of the peace of the county where such offence is committed or the offender resides, and applied one-half to his own use, the other half to the use of the county: Provided, That no such recovery shall be had for the offence aforementioned unless the owner of the land shall by advertisement posted up in two or more public places have forbid the persons so hunting by name, or all persons generally to hunt on his land previous to the offence: Provided Also, That recovery shall not be had in any case whatever unless the prosecution is commenced within one month after the offence is committed.

VI. And be it further Enacted by the authority aforesaid, That so much of the laws heretofore made, which relates to fire-hunting and destroying deer at unseasonable times of the year as comes within the purview of this Act be, and is hereby repealed and made void to all intents and purposes, and construed as if the same had never been made.

VII. And be it further Enacted by the Authority aforesaid, That all fines

imposed and recovered by virtue of this Act shall be one-half to the use of the informer, the other half to the use of the poor of the county wherein the offence shall be committed, except such as are otherwiso directed.

VIII. And be it further Enacted by the authority aforesaid, That this Act shall not operate or take effect until the first day of July next.

CHAPTER XXXIV.

An Act for the restraint of Idle and Disorderly Persons.

I. Whereas it becomes necessary for the welfare of community to suppress wandering, disorderly and idle persons,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall not be lawful for any person or persons who have no apparent means of subsistence, or neglect applying themselves to some honest calling for the support of themselves and families; and every person so offending, who shall be found sauntering about neglecting their business, and endeavouring to maintain themselves by gaming or other undue means, it shall and may be lawful for any justice of the peace of the county wherein such person may be found, on due proof made, to issue his warrant for such offending person and cause him to be brought before said justice, who is hereby impowered, on conviction, to demand security for his or their good behaviour, and in case of refusal or neglect to commit him or them to the gaol of the county for any term not exceeding ten days, at the expiration of which time he shall be set at liberty if nothing criminal appears against him, the said offender paying all charges arising from such imprisonment; and if such person shall be guilty of the like offence from and after the space of twenty days, he or they so offending shall be deemed a vagrant and be subject to one month's imprisonment with all costs accruing thereon, which if he neglects or refuses to pay, he may be continued in prison until the next court of the county, who may proceed to try the said offender, and if found guilty by a verdict of a jury of good and lawful men, said court may proceed to hire the offender for any time not exceeding the space of six months to make satisfaction for all costs; but if such person or persons so offending be of ill-fame, so that he or they cannot be hired for the cost, nor give sufficient security for the same, and his or their future good behaviour, in that case it shall and may be lawful for said court to cause the offender or offenders to receive thirty-nine lashes on his or their bare back, after which he or they shall be set at liberty, and the cost arising thereon shall become a county charge, which punishment may be inflicted as often as the person may be guilty, allowing twenty days between the punishment and the offence.

III. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any person or persons of ill fame or suspicious characters to remove him or themselves from one county to another in this State without first obtaining a certificate from the sheriff of said county, or some justice of the peace or captain of his company, setting forth his former good behaviour and his intention in removing, whether to settle in said county, or if traveling to set forth his business and destination; and if such traveller should be desirous to make any stay in any county longer than forty-eight hours, he shall first apply to some justice of said county for leave and obtain a certificate for that purpose, setting forth the time of his permission; and if such person shall be found loitering in said county after

the expiration of his permit, or fail to obtain the same agreeable to the true intent and meaning of this Act, such person so offending may be apprehended by any person or persons and carried before some justice of the peace, who may enquire into his character and business, and fine him at his discretion, not exceeding forty shillings; but if the said traveller shall be found on examination to be a person of ill fame, and there be reason to suspect that he is loitering in said county for some evil purpose, attempting to acquire a living by gaming or other bad practices, such justice shall have power to commit any person of like character, until he shall find good and sufficient security for his good behaviour, for any time not exceeding ten days; and such justice of the peace or court of the county shall proceed against such offender in the same manner as is heretofore prescribed for vagrants.

IV. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any house-keeper in this State to harbour any traveller or idle person of the character aforesaid for any longer time than is heretofore specified, under the penalty of five pounds for every such offence, to be recovered by warrant before any justice of the peace of the county where the offence is committed.

V. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any house-keeper to harbour and conceal or hire any orphan child or children without first obtaining leave of some justice of the peace, under the penalty of five pounds; and such justice on granting permission, shall compel the person requiring the same to bring the said orphan child to the next county court, which is hereby required to bind such orphan children agreeable to law.

VI. And be it further Enacted by the authority aforesaid, That all fines inflicted by this Act shall be one-half to the informer, and the other half to the poor of the county.

CHAPTER XXXV.

An Act for prolonging the time given by Law for securing Lots in the several Towns within this State.

I. Whereas the laws now in force for saving to claimants the legal rights of lots in the different towns in this State, from the difficulties which have arisen out of the war, towards building upon and improving the same, require the equitable interference of the Legislature;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a term of two years from and after the passing of this Act be given to all persons who hold lots in any of the towns within this State for the completion of their buildings, agreeable to the respective Acts of Assembly, in those cases made and provided; any law to the contrary notwithstanding.

CHAPTER XXXVI.

An Act for Establishing a Court of Oyer and Terminer and General Gaol Delivery in the County of Davidson.

I. Whereas, by reason of the remote situation of the county of Davidson from the other inhabited parts of the State, it will be extremely difficult to bring persons guilty of public offences within the same to justice, unless a court be established therein for that purpose;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That his Excellency, the Governor for the time being, shall and he is hereby directed as soon as may be after the passing of this Act to issue a commission to such person as shall be appointed by joint ballot of both houses of the General Assembly, thereby authorising and impowering him to hold a court in the said county, to be called the Court of Oyer and Terminer and General Gaol Delivery for the County of Davidson twice in each year, for the space of two years, on the third Monday of October and the third Monday of April, and therein to take and receive indictments of all treasons, misprisions of treason, felonies and misdemeanors, alleged to be committed or done in the said county, and to hear, try and determine the same according to the laws of this State, either at the same sitting of the said Court whereat the same indictment or any of them may be found, or at any subsequent sitting, and thereupon to award judgment and execution.

III. And, whereas, it may happen that crimes or misdemeanors of the nature afore mentioned may be committed or done by persons not resident in the said county of Davidson, but living to the north and west of Cumberland mountain, and within the western limits of the State, Be it Enacted by the authority aforesaid, That the judge appointed to hold the said court of oyer and terminer in the county of Davidson, shall have the same power and authority to receive indictments for all treasons, misprisions of treason, felonies and misdemeanors committed and done to the north and west of Cumberland mountain, and within the limits of the State and not within Davidson county, and to try and determine the same, as if the said crimes or misdemeanors had been committed in the county of Davidson; any law or usage to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That the court of pleas and quarter sessions for the county of Davidson that shall be held next before any sitting of the said court, shall nominate and appoint thirty-six of the most reputable landholders of the said county to serve as jurors at the then next sitting of the said court, and shall cause them to be summoned accordingly by the sheriff, and the said persons so summoned shall be obliged to appear at the same sitting to which they shall have been summoned under the same pains and penalties as provided to compel the appearance of jurors at the superior courts of law and equity in this State, and shall be entitled to the same immunities and wages when attending or going to or returning from the said court, as jurors attending, returning from or going to the said superior courts are intitled to; and upon the appearance of the said jurors at such sitting, the court shall cause a number of the said persons not exceeding eighteen to be balloted, drawn and sworn to be of the grand jury, in the same manner as is practiced in other courts of record in this State, who shall be charged to enquire for the county aforesaid into the offences afore-mentioned, and the remainder of the said jurors summoned shall serve as petit jurors of the said court, who

shall upon every trial to be had at such sitting be balloted and sworn in manner aforesaid; and the said court shall have power in default of such persons as were summoned by order of the county court to attend as jurors to award process, to summon so many of the bystanders, being reputable landholders as aforesaid as are necessary to repair the deficiency occasioned by defaulters, and cause them when necessary to be sworn on the petit jury, and to fine them for making default after summons, according to the direction of the court.

V. And be it further Enacted by the authority aforesaid, That the said Court of Oyer and Terminer and General Gaol Delivery for the county of Davidson, shall have full power to award all such process and take such recognizances for appearances of persons accused, or who are necessary to be produced to give evidence, or for their good behaviour, and use all such other lawful ways and means to effectuate the purpose of the said commission as is awarded, taken or used in other courts of record in this State for the like purposes, and in like manner to enforce a compliance with such process, and award judgment and execution upon the breaches of such recognizances.

VI. And be it further Enacted by the authority aforesaid, That the sitting of the said Court may be continued by adjournment for the space of five days, exclusive of Sundays, should the number or waitings of the causes therein to be determined require it.

VII. And be it further Enacted by the authority aforesaid, That the person commissioned by virtue of this Act to hold the said Court, shall previous to his entering upon the execution of his office take and subscribe before three justices of the peace for the said county, the oath of allegiance and fidelity to this State, and also an oath for the faithful execution of the said commission, similar to that prescribed to be taken by the judges of law in this State, to be devised by the said justices.

VIII. And be it further Enacted by the authority aforesaid, That the said Court shall have full power to appoint some person of integrity and skill in the law to act in the said Court as attorney for the State; and the judge of the said Court shall be allowed for every Court he shall hold the sum of twenty-five pounds; and the attorney shall be allowed for every Court he shall attend upon the duties of his appointment the sum of twenty pounds, to be paid out of the taxes to be collected for the year one thousand seven hundred and eighty-four, from the inhabitants west of the Cumberland mountain.

CHAPTER XXXVII.

An Act for Extending the Navigation of Roanoke River.

I. Whereas, extending the navigation of Roanoke River through the Falls and upwards will be of great benefit to the inhabitants of this State and those of Virginia; and whereas the commonwealth of Virginia have passed an Act appointing trustees to extend the same from the North Carolina line to the fork of Staunton and Dan rivers, and up the rivers Staunton and Dan to the head thereof;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Allen Jones, Samuel Lockhart, William Hudson, Henry Montfort, Thomas Eaton, Eaton Haynes, Benjamin Hawkins, Thomas Person, James Gallaway

and Alexander Martin, Esq'rs., be, and they are hereby nominated, constituted and appointed trustees for clearing so much of Roanoke and Dan Rivers as shall be within this State, and they are hereby respectively authorized and impowered to take and receive subscriptions for that purpose; and if any person or persons shall neglect, fail or refuse to pay the several sums of money respectively subscribed for the purpose of this Act, it shall and may be lawful for the said trustees respectively, or undertaker, to sue for and recover the same in the name of the trustees or undertaker for the clearing of the said rivers (whereof they are by this Act respectively appointd trustees) by warrant, where the subscription shall not exceed five pounds, and by action of debt if any larger sum.

III. And be it further Enacted by the authority aforesaid, That the said trustees respectively, or a major part of them, shall have full power and authority to contract and agree with any person or persons for clearing so much of the said rivers as shall be within this State, in such manner as to the said trustees shall seem most proper, and to remove all ledges and rocks, or stops, which the said trustees shall think may in any wise obstruct the said navigation.

IV. And be it further Enacted by the authority aforesaid, That the said trustees respectively, or a major part of them, shall have full power and authority to lay off, plan and design a road for a carrying place round the Great Falls, or any other falls on Roanoke, or to lay off, plan and execute a canal or canals with or without a lock or locks around or through the same, in the manner that to them shall seem best to perfect the navigation and answer the intention of this Act, and for this purpose to lay off, plan or execute a road for a carrying place, to cut the canal or canals, and fix a lock or locks on the same, through any person's land where it shall be necessary to lay off or cut the same; any law, usage or custom to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That the said trustees respectively, or a majority of them, from time to time or as often as they shall see occasion, shall and may nominate and appoint one or more of their number willing to undertake the same, to be receiver or receivers of all the monies that shall be subscribed for the purpose of this Act, who shall give bond with sufficient security in a reasonable penalty to the Governor for the time being, with a condition that he or they, his or their executors and administrators, at all times when required, shall and will truly and faithfully account with the said trustees or undertaker for all monies which shall come to the hands of such receiver or receivers for the purpose of this Act, and pay the same to such person or persons as the said trustees, or a major part of those who agree to Act, shall order and direct.

VI. And be it further Enacted by the authority aforesaid, That upon proper application by the said trustees or a major part of them, made to any of the courts of the counties adjoining the said rivers, it shall and may be lawful for the said courts, and they are hereby directed and required to order all the hands, or so many as may be required, within two miles of the said river liable to work on any road, to attend the orders of the trustees or undertaker to do and perform such labour as shall be required of them to answer the intention of this Act; and upon neglect or refusal of any person or persons to do and perform such labour after three days' previous notice, he or they so refusing or neglecting shall for every day pay the sum of ten shillings, to be recovered by warrant before any justice of the peace by either of the trustees or the undertaker, and applied to answer the inten-

tion of this Act: Provided, That no person shall be compelled to work more than twelve days in any one year.

VII. And be it further Enacted by the authority aforesaid, That no ledge or stone, or other stop, that in anywise obstructs the navigation of the said river, canal or canals, or a road for a carrying place, shall be placed or set therein; and any person who shall presume to set up or make any in the said river, canal or canals, or road for a carrying place, shall forfeit and pay one hundred pounds for every such offence, one-half to the informer, the other to the trustees, to be applied to the purpose of carrying this Act into effect.

CHAPTER XXXVIII.

An Act to Facilitate the Navigation of Neuse River.

I. Whereas, the rendering Neuse River navigable for small crafts would be productive of many good consequences;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the justices of the courts of Craven, Dobbs, Johnston and Wayne counties, and they are hereby required at the first court which shall be held for their respective counties after the first day of July yearly, to apportion and lay off in convenient districts all the inhabitants of their counties respectively, resident within eight miles of the river Neuse, and above Batchelor's creek on the south side of Neuse river, and above the mouth of Swift's creek on the north side thereof, and appoint for each district some person properly qualified as overseer, who shall cause all persons within the district so allotted him who are liable to work on public roads to work at least six days in each and every year on the said river Neuse, unless the county court shall otherwise direct, when he shall cause that they be employed in cutting into proper lengths all logs, removing brush and other incumbrances which obstruct the navigation, and in killing all kinds of trees like to fall into and obstruct the navigation or said river, under the penalty of fifty pounds for failure or neglect, to be recovered and applied as fines and forfeitures incurred by overseers of roads; and all and every person liable to work as aforesaid who shall fail when summoned or warned (agreeably to the custom in cases of working on roads), to appear with such tools as the overseers shall direct and work accordingly, shall forfeit and pay the sum of ten shillings for each day he shall fail or neglect, to be recovered and applied as fines for failing to appear and work on public roads.

III. And be it further Enacted by the authority aforesaid, That all Acts and parts of Acts heretofore made which comes within the purview and meaning of this Act be, and they are hereby repealed and made void.

CHAPTER XXXIX.

An Act for Clearing and Opening the Navigation of Trent River in Jones County.

I. Whereas, the opening and clearing Trent River from the lower bounds of the county to the fork of Tuckahoe would render the same more useful and advantageous, and will be of great utility in transporting tar,

pitch, turpentine, and every other kind of produce to market, and greatly enhance the value of the lands in the said county;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Lewis Bryan, William Rendol, William Harrison, Lemuel Hatch, Sen., and Edward Whitty be, and they are hereby appointed commissioners, and that they or a majority of them are hereby impowered to lay off the said river into convenient districts; and that all the inhabitants of said county liable to work on public roads, except such of the inhabitants as live to the westward of a line from Abraham Kernegy's old field to Thomas Kent's, and except all persons who live at the distance of eight miles from the said river, shall by order of the commissioners to the several overseers of the roads work on said river in their respective districts so laid off and allotted to them by the commissioners, and shall continue to work from time to time whenever the commissioners shall think it necessary; and in case of neglect or refusal of the overseers to act or to warn their respective companies to work on said river when ordered by the commissioners, shall forfeit and pay for every such neglect or refusal the sum of fifty pounds current money, to be recovered by the commissioners or either of them by action of debt in any court of record having cognizance thereof, and by them applied for clearing said river; and in case of neglect or refusal of any person liable to work or who shall fail to send their hands, having three days' previous notice from the overseer, he or she so failing shall forfeit and pay for each and every hand the sum of ten shillings current money for every day, to be recovered by the overseer in the same manner as other fines are recovered from delinquents of public roads, and by him paid into the hands of the commissioners or either of them, and by them applied as other fines by this Act directed.

III. And in order to keep the navigation of said river open, Be it further Enacted by the authority aforesaid, That in case any person shall fall any trees or make any hedges in or across said river, shall forfeit and pay for every such offence, being thereof convicted before any justice of the peace of said county, the sum of of five pounds current money, and remove the obstruction at their own expence; and if any negro slave found guilty of any of the before-mentioned offences and convicted thereof, shall by order of a single justice receive thirty-nine lashes on his or her bare back for each and every offence.

IV. And for continuing the succession of the commissioners, Be it further Enacted by the authority aforesaid, That in case of the death, refusal to act, or removal out of the county of any of the commissioners, the county court of Jones is hereby impowered from time to time to appoint others in his or their stead, which said commissioners being so appointed shall from thenceforth have the like power and authority in all things in the matters herein contained, as if he or they had been expressly named and appointed by this Act.

CHAPTER XL.

An Act for Appointing Commissioners in the District of Morgan for the Purpose of Erecting a Court House, Prison and Stocks in the County of Burke, for the Use of Said District, and for Levying a Tax to Complete the Same, also for Laying Out and Establishing a Town in Burke County.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Waightstill Avery, James Johnston, William Lenoir, Joseph McDowell and John Walker, Esquires, be, and they are hereby apointed commissioners for the purposes aforesaid, and that they or a majority of them be, and are hereby appointed and required as soon as may be after the passing of this Act to agree and contract for one hundred acres of land in the county of Burke, as near the center thereof as may be convenient; and also to agree and contract with workmen for erecting and building thereon a court house, prison and stocks, which when finished shall be and remain to the use of the district of Morgan.

II. And to enable the commissioners to carry this Act into effect, Be it further Enacted by the authority aforesaid, That a tax of one shilling on every hundred pounds be laid on all taxable property in the county of Burke, and a tax of four pence on all taxable property in the counties of Lincoln, Rutherford and Wilkes for two years, to be collected by the respective sheriffs or collectors of the said counties, and accounted for and paid to the said commissioners at the same time and in the same manner, and under the like penalties and restrictions as is or may be directed for collecting, accounting for, and paying other public taxes.

III. And be it further Enacted by the authority aforesaid, That before the said commissioners shall enter upon their trust or take into their hands any of the monies to be collected by this Act, they shall enter into bond in the sum of one thousand pounds specie, payable to the Governor and commander-in-chief of this State for the time being and his successors, conditioned for the faithful discharge of the trust reposed in them.

IV. And whereas, it would tend much to the advantage of the inhabitants of Burke and those of the district of Morgan generally, to have a town laid out and established on the land which shall be purchased by the commissioners for erecting the public buildings above mentioned, on ————, Be it therefore Enacted by the authority aforesaid, That the commissioners apointed by this Act for the purpose of purchasing one hundred acres of land for the public buildings aforesaid be, and they are hereby appointed commissioners for designing and laying the same off into a town, and as soon as they have so done they shall cause the same to be formed into acre lots, with convenient streets, lanes and allies, which lots so laid off agreeable to the directions of this Act, are hereby established and erected a town, and shall be called by the name of Morgansborough.

V. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the commissioners above named shall be, and they and every of them are hereby constituted directors and trustees for the designing, building and laying out the said town, and they shall stand seized of an indefeasible estate in fee simple of the said one hundred acres of land, to and for the uses, intents and purposes hereby expressed and declared; and they or a majority of them shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made and therein to insert a mark or number to each lot; and as soon

as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for the same, and when the said directors have taken subscriptions for fifty lots or upwards, they shall appoint a day and give public notice to the subscribers of the day and place appointed for the drawing of said lots, which shall be done by ballot in a fair and open manner, under the direction and in the presence of the said directors or a majority of them; and such subscriber shall be entitled to the lot or lots which shall be drawn for him and correspond with the mark or number contained in the plan of said town; and the said directors or a majority of them shall make and execute deeds for granting and conveying the said one hundred acres of land in acre lots as aforesaid to the subscribers, their heirs and assigns forever, and also to every other person who shall purchase any other lot or lots in the said town; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple: Provided, nevertheless, That every grantee of any lot or lots in the said town so conveyed shall, within three years next after such conveyance for the same, erect, build and finish on each lot so conveyed one well framed, square logged, or brick house, sixteen feet square at least, and eight feet pitch in the clear or proportionable to such dimensions; and if the owner of any lot or lots shall fail to comply with the directions in this Act prescribed for building and finishing a house thereon, such lot or lots upon which such house shall not be built and finished as aforesaid, shall be revested in the said directors; and the said directors or a majority of them may, and they are hereby impowered and authorised to sell such lot or lots for the best price that can be had, to any person applying for the same, and grant and convey such lot or lots to such person or persons under the like rules and regulations as the same was or were formerly granted; and the money arising from such sale be applied by the said directors or a majority of them for the benefit and improvement of the said town.

CHAPTER XLI.

An Act for the Promotion of Learning in the District of Hillsborough, and to Amend an Act for Establishing an Academy in the Neighbourhood of Hillsborough.

I. Whereas, by an Act of Assembly, intituled, An Act for establishing an academy in the district of Hillsborough, certain persons therein named were appointed trustees to carry the said Act into execution; and, whereas. divers of the said commissioners by death or removal out of the State cannot be convened;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the remaining commissioners resident in this State, provided there be three of them at the least, shall have power and authority to nominate others in the room of those who are dead or removed out of the State.

III. And be it further Enacted by the authority aforesaid, That the commissioners or a majority of them shall be a board for business, and when assembled shall have the powers and authorities given by this Act, as well as by the Act which this is intended to amend; and upon the death or removal out of the State, or refusal to act of any of the said commissioners, those remaining, or a majority of them shall have power and authority to name others in their stead.

IV. And be it further Enacted by the authority aforesaid, That so much of an Act, intituled, An Act for establishing an academy in the neighbourhood of Hillsborough, so far as it comes within the purview of this Act and no further, is hereby repealed and made void.

V. And be it further Enacted by the authority aforesaid, That the said commissioners shall on the second Monday of July next ensuing the ratification of this Act, and on the second Monday of January, April, July and October in every year thereafter, meet in the town of Hillsborough, then and there receive into the hands of a treasurer by them appointed all sums of money subscribed and paid (all sums subscribed and not paid to them then and there duly to be accounted for) and to receive all farther and other donations, and in case of refusal or neglect of any person or persons to pay according to the true intent of his promise, obligation, covenant or agreement, such commissioners may, and they are hereby impowered in the name of their chairman to bring suit before any justice of the peace, or any court of record in the district where such contract shall be made, having cognizance thereof, and recover in an action of debt the sum or sums due from such person or persons so failing or neglecting, to be applied by the said commissioners to the purposes of erecting and maintaining such school.

VI. And be it further Enacted by the authority aforesaid, That by and with the consent of all persons having any right, title or interest in the church erected in the town of Hillsborough (already far gone to decay) such persons being of Episcopal persuasion, and as such claiming interest in the said church, such consent being first obtained by notice in writing, promulgated in the most public part of the county, calling on such persons to object, if any objections they have upon such notice given, and no reasonable objection made, the said building with the ground upon which it stands shall be held and deemed to be invested in the said commissioners, for the uses and purposes following, to-wit: That the said church shall be, with as much economy and expedition as possible, put in decent repair; and so put in repair, shall on every Sunday in every year be open to the ministers of every sect or persuasion, being Christians, there to inculcate the truths of their holy religion: Provided always, That every dispute relative to a preference to the said church in officiating there by ministers of different or of the same sects shall be determined by the said commissioners; and in any dispute between an Episcopalian and ministers of any other persuasion as to a preference to the pulpit, the former (circumstances being otherwise equal) shall be preferred, as the church was founded for the Episcopal persuasion, and to them by the constitution properly appertains.

VII. And be it further Enacted by the authority aforesaid, That tutors or schoolmasters appointed and authorised by the said commissioners, shall teach and instruct in the said school in such branches of learning as the commissioners shall direct; and such persons so appointed and authorised by the majority of the whole board, and no others shall be privileged to teach or instruct within the said church; and if any person shall without permission first had and obtained from a majority of the said commissioners presume to teach within the said church, he shall forfeit and pay the sum of fifty pounds, to be recovered by the commissioners by action of debt in the name of the chairman, for the uses pointed out by this Act.

VIII. And be it further Enacted by the authority aforesaid, That the said commissioners shall yearly, and every year on the second Monday in July, appoint out of their own body a chairman, clerk and treasurer; and the commissioners shall be a body incorporated for the purposes of carrying

this Act into execution, and for receiving donations from all charitable and well disposed persons for the uses of the said school, and shall have power and authority to visit the said school at proper times and seasons, to inspect the progress of students in useful learning, but shall confer no degrees, nor shall such school be called or considered as one of those seminaries established by the special direction of the constitution.

IX. And be it further Enacted by the authority aforesaid, That it shall be lawful for a majority of such commissioners to remove any tutor or master guilty of immorality, neglect or misbehaviour in office.

X. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners to open a lottery for the purpose of raising a sum of money for repairing the said building, employing masters and tutors, and for the other purposes of this Act; Provided, That the whole profits of the said lottery shall not amount to more than five hundred pounds current money of this State; and to appoint trustees to manage such lottery, such trustees giving security for the faithful performance of their duty, and that all profits arising from the said lottery shall be applied to the uses of the said school or academy, agreeable to the directions of the aforesaid commissioners.

XI. And be it further Enacted by the authority aforesaid, That the said commissioners be, and they are hereby impowered to make sale of such part of the ornaments, utensils and decorations of the said church as shall not be necessary to the reparation thereof, the proceeds to be applied to the purposes of the said school.

XII. And be it further Enacted by the authority aforesaid, That during the next session of the General Assembly, if the Assembly shall be in the town of Hillsborough, and at any future session thereof in the said town, the said buildings may be made use of by the said Assembly sitting in their legislative capacity during such session.

CHAPTER XLII.

An Act to Amend an Act Passed at New Bern the First Day of December, One Thousand Seven Hundred and Sixty-Six, Intituled, "An Act for Establishing a School House in the Town of New Bern."

I. Whereas, the school house heretofore established under the before recited Act has answered very valuable purposes, but in the course of the late war, by the death and removal of many of the trustees, and from other unavoidable accidents, the building is much impaired, and the education of youth neglected;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the said school shall be distinguished and known by the name of the New Bern Academy; and that the Honourable Richard Caswell and Abner Nash, Esquires, John Wright Stanley, William Blount, John Sitgraves, Spyres Singleton, William McClure, William Bryan and Richard Dobbs Spaight, Esquires, be, and they are hereby appointed trustees and directors of the said academy, and shall be and they are hereby incorporated into a body politic and corporate by the name of the incorporated society, for promoting and establishing the New Bern Academy, by which name they shall have perpetual succession, and a common seal, which they may alter or amend at discretion, and under the aforesaid name they and their successors shall be able and capable in law to

have, purchase, receive, possess and retain to them and their successors forever in trust and confidence for the said academy, any lands, rents, tenements and hereditaments, and also to sell, grant, demise, alien or dispose of the same, and to receive and take any charity gift or donation to the said academy; and the said trustees and their successors by the aforesaid name may sue and implead, be sued and impleaded, answer and be answered in all courts of record within this State, and shall from time to time under their common seal, make such rules, regulations and ordinances for the admission or dismission of the several masters and teachers in the said academy, and for the better regulating and well ordering of the same as to them shall seem requisite and necessary for the promotion of learning and virtue: Provided such rules and ordinances be not repugnant to the laws of the State.

III. And be it further Enacted by the authority aforesaid, That the several lots of land, together with their improvements, granted by the before-recited Act to the trustees of the public school in New Bern in trust and confidence be, and the same are hereby vested in the trustees and directors by this Act appointed, and their successors forever, in trust and confidence to and for the uses and purposes by this Act intended.

IV. And, whereas, there are in the town of New Bern four lots of land known in the plan of the said town by the numbers two hundred and forty-eight, two hundred and forty-nine, two hundred and fifty and two hundred and fifty-one, which were granted by the commissioners of the said town to John Starkey, Edward Griffith and Jeremiah Vail, by deed bearing date the seventeenth day of April, in the year of our Lord one thousand seven hundred and fifty, in trust and confidence for the use of the public forever, and are declared to be saved lots and reserved as aforesaid by an Act passed at New Bern in the year of our Lord one thousand seven hundred and fifty-one; and the uses and purposes for which the said lots were reserved having no longer any existence, Be it therefore Enacted by th authority aforesaid, That three of the aforesaid lots, to-wit: Those known in the plan of the said town by the numbers two hundred and forty-nine, two hundred and fifty and two hundred and fifty-one, shall be, and they are hereby declared to be vested in the aforesaid trustees and directors and their successors forever, any law to the contrary notwithstanding; and the lot known in the plan of the town by the number two hundred and forty-eight whereon the public gaol now stands, is hereby reserved for the use of the public as directed by the before recited Act.

V. And be it further Enacted by the authority aforesaid, That the trustees of the said academy, or a majority of them, shall at their first meeting, and thence after annually appoint out of their number a president and a secretary, and a fit and proper person to be treasurer to the said society, who shall enter into bond with good and sufficient security in a competent sum to be adjudged of by the directors for the faithful discharge of his office and the trust reposed in him, into whose hands shall be paid all monies of or belonging to the said academy, and for which the said treasurer shall account annually with the directors, and upon his refusal or neglect to settle and pay the balance remaining in his hands to the succeeding treasurer or the order of the directors, the same method of recovery may be had against him as is provided for the recovery of public monies in the hands of sheriffs or other persons.

VI. And be it further Enacted by the authority aforesaid, That on the death, refusal to act, or removal out of the State of any of the trustees, the remaining trustees or a majority of them shall elect other trustees in

the room and stead of those dead, removed or refusing to act, who shall be invested with the same powers and authorities as the other trustees and directors appointed by this Act.

VII. And be it further Enacted by the authority aforesaid, That the trustees shall appoint public visitations of the academy once in every six months, when they shall examine what progress is made by the several students and grant certificates to such as shall leave the academy, certifying their literary merit and the progress they shall have made in useful knowledge, whether it be in learned languages, arts or sciences, or all of them: Provided always, That they shall not on any pretence grant degrees or titles, such as the degree of batchelor or master of arts, or doctor in any faculty.

VIII. And be it further Enacted by the authority aforesaid, That the trustees shall not in any case sell lands or dispose of the monies belonging to the academy unless a majority of the society is present or at their stated half yearly visitations; and that no rector, professor or tutor in the said academy shall at any time be chosen a trustee thereof, but that his Excellency the Governor of the State for the time being may at any of their visitations take a seat in the society.

IX. And be it further Enacted by the authority aforesaid, That the rector, professors and tutors of the said academy shall be exempted from military duty: Provided, That no person shall claim such exemption unless he has been at least six months a stated tutor, rector or professor in the academy, and continues in that duty.

X. And be it further Enacted by the authority aforesaid, That the trustees by this Act appointed shall have full power and authority to demand, receive and recover from all persons whatsoever all monies, rents, goods or other effects of what nature or kind soever due, owing or belonging to the late public school aforesaid, and to dispose of and apply the same as is by this Act directed.

XI. And be it further Enacted by the authority aforesaid, That nothing in this Act shall be construed to prevent the trustees from distinguishing their public hall, museum or library, by the names of such persons or societies as may within two years from the passing of this Act give the most liberal donations to the academy.

XII. And be it further Enacted by the authority aforesaid, That so much of the two before recited Acts as is repugnant to or come within the purview of this Act be, and the same is hereby repealed and made void to all intents and purposes as if the same had never been made: Provided, That this academy shall not be deemed to be one of those seminaries of learning directed by the constitution of this State to be established and supported by public authority.

CHAPTER XLIII.

An Act for Establishing a Town in Jones County on the Lands of Thomas Webber and Others.

I. Whereas, it is represented to the General Assembly that a town on the lands of Thomas Webber, Lewis Bryan, Henry Smith and Samuel Hill, on the south side of Trent River in Jones county, where the court house now stands, would tend to the promotion of commerce, and the inhabitants of said county be greatly benefited thereby;

II. Be it therefore Enacted by the General Assembly of the State of

North Carolina, and it is hereby Enacted by the authority of the same, That the directors or trustees hereafter appointed or a majority of them, shall as soon as may be after the passing of this Act, agree with or purchase from the said Thomas Webber, Lewis Bryan, Henry Smith and Samuel Hill, one hundred acres of land for the purposes aforesaid; and after having so agreed for the said land, shall as soon as may be lay off forty acres in half acre lots, exclusive of streets, with convenient streets, lanes and allies, and sixty acres for town commons, which lots so laid off according to the directions of this Act are hereby constituted and erected a town, and shall be called by the name of Trenton.

III. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act Abner Nash, Frederick Harget, Lewis Bryan, John Bryan, William Randol, John Isler and Edward Whitty be, and they and every of them are hereby constituted directors and trustees for the purchasing and agreeing for one hundred acres of land as aforesaid, and for the designing, building and carrying on the said town; and they shall stand seized of an undefeasible estate in fee simple of the said one hundred acres of land, to and for the uses, intent and purposes hereby expressed and declared; and they or a majority of them shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to assert a mark or number to each lot; and when the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for them; and when the said directors have taken subscriptions for fifty lots or upwards, they shall appoint a day and give public notice to the subscribers of the day and place appointed for the drawing the said lots, which shall be done by ballot in fair and open manner, by the direction and in the presence of the majority of the said directors at least; and such subscribers shall be entitled to the lot or lots which shall be drawn for him, and correspond with the mark or number contained in the plan of said town; and the said directors or a majority of them shall make and execute deeds for granting and conveying the said forty acres of land in half acres as aforesaid to the subscribers, their heirs and assigns forever; and also to every other person who shall purchase any other lot or lots in the said town; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple: Provided nevertheless, That every grantee of any lot or lots in the said town so conveyed shall within three years next after such conveyance for the same erect, build and finish on each lot so conveyed one well framed or brick house, sixteen feet square at least, and ten feet pitch in the clear, or proportionable to such dimensions, if such grantee shall have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with the directions in this Act prescribed for building and finishing a house thereon, then such lot or lots upon which such house shall not be built and finished as aforesaid, shall be revested in the said directors, and the said directors or a majority of them may, and they are hereby impowered and authorized to sell such lot or lots for the best price that can be had to any person applying for the same, and grant and convey such lot or lots to such persons under the like rules, regulations and restrictions as the same was or were formerly granted, and the money arising from such sale be applied by the said directors or a majority of them for the benefit and improvement of said town.

IV. And be it further Enacted by the authority aforesaid, That each respective subscriber who shall subscribe for any lot or lots in the said

town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said directors or one of them the sum of three pounds for each lot by him subscribed for; and in case of neglect or refusal of any subscriber to pay the said sum, the said directors shall and may commence and prosecute a suit for the same, and therein shall recover judgment with costs of suit.

V. And for continuing the succession of the directors until the said town shall be incorporated, Be it further Enacted by the authority aforesaid, That in case of the death, refusal to act, or removal out of the county of any of the said directors, the surviving directors or a majority of them shall assemble, and are hereby impowered from time to time by instrument of writing under their respective hands and seals to nominate some other person, being a freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the county, which director so nominated and appointed shall from thenceforth have the like power and authority in all things in the matters herein contained as if he had been expressly named and appointed in, and by this Act.

CHAPTER XLIV.

An Act to Establish a Town on the Land of John Walker at a Place Called Deep Water Point, Joining Fort Johnston on the River Cape Fear, in Brunswick County.

I. Whereas, it has been represented to this Assembly that the land of John Walker, lying on the river Cape Fear, at a place called Deep Water Point, in Brunswick county, is a pleasant and healthy situation, and commodious for trade and commerce, and the said John Walker having acknowledged his free consent to have a sufficient quantity of the said land laid off for a town, which will greatly promote the trade of said river;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the directors or trustees hereinafter appointed, or a majority of them, shall so soon as may be after the passing of this Act, cause a sufficient quantity of said Walker's lands to be laid off into lots of half an acre each, with convenient streets, lanes and alleys, reserving two acres of said land for a court house, church and other public buildings, likewise five acres to John Walker, the proprietor, for their respective uses; which land so laid off according to the direction of this Act, is hereby constituted, erected and established a town, and shall be called by the name of Walkersburg.

III. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, Timothy Bloodworth, Henry Toomer, Henry Young, Joseph Eagle and George Blyth, Esquires, be and they and every of them are hereby constituted directors and trustees for designing, laying out, building, and carrying on the said town; and they shall stand seized of an indefeasible estate in fee of the said quantity of lands so laid off, to and for the use, intents and purposes hereby expressed and declared; and they, or a majority of them, shall have power and authority to meet as often as they shall think proper; and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots, of such persons as are willing to subscribe for them; and when the said directors have taken subscriptions for fifty lots

or upwards, they shall appoint a day and give public notice to the subscribers of the day appointed for the drawing of said lots, which shall be done by ballot in a fair and open manner by the directions and in the presence of the majority of the said directors at least; and such subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town; and the said directors, or a majority of them, shall make and execute deeds for granting and conveying the said quantity of land so laid off by the said commissioners into half acre lots as aforesaid, to the subscribers, their heirs and assigns forever, under the rules and restrictions and provisos hereafter mentioned; and also to every other person who shall purchase any other lot or lots in the said town, at the cost and charges of the grantee to whom the said lot or lots shall be conveyed; and every person claiming any lot or lots by virtue of any such conveyance shall, and may hold the same in fee simple: Provided nevertheless, That every grantee of any lot or lots in the said town so conveyed, shall within three years next after the date of the conveyance for the same erect, build and finish on each lot so conveyed one well framed or brick house, twenty-four by sixteen feet at the least, and nine feet pitch in the clear, with a brick or stone chimney, or proportionable to such dimensions if such grantee shall have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with the directions in this Act prescribed for building and finishing a house thereon, such lot or lots upon which a house shall not be built and finished as aforesaid, shall be free for any other person or persons to take up in the same manner, and under the like rules and restrictions as other lots are directed to be granted to any other person or persons, after the subscription lots are drawn for; and in case any person owner of a saved lot or lots in the said town shall die without heirs, or legally disposing thereof, then in such case such lot or lots shall be sold by the executor or administrator for the benefit of the creditors of the person so dying, if there be any such; but if such person be not indebted, or the sales amount to more than sufficient to discharge the debts, then the amount of sale of such lot or lots, or of the overplus aforesaid, shall be applied by the directors to the benefit and improvement of said town; anything in this Act contained to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That each respective subscriber who shall subscribe for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the treasurer of the said town ten pounds for each lot by him subscribed for; and in case of refusal or neglect of any subscriber to pay the said sum, the treasurer shall and may commence and prosecute a suit in his own name, and therein shall recover judgment, with costs of suit; and the said treasurer as soon as he receives the said money, shall pay and satisfy to the said John Walker, his executors, administrators, or assigns, the sum of eight pounds for each lot, in full satisfaction for the said land; and the other shall be applied towards defraying the expences of laying off and improving the said town, as a majority of the directors shall think necessary.

V. And be it further Enacted by the authority aforesaid, That Henry Toomer be, and is hereby appointed treasurer of the said town, who shall enter into bond with sufficient security to the justices of the court of the said county of Brunswick, in the penal sum of two thousand pounds, that he will well and truly account with and pay the monies he shall receive in virtue of his office, to such person or persons as by this Act is directed;

and on the death or removal of the said treasurer the remaining directors, or any three of them by certificates under their hands and seals, shall nominate and appoint one other of the directors to be treasurer of the said town, and so in like manner from time to time as often as the said office shall become vacant as aforesaid; and such treasurer or treasurers shall enter into bond with security, in the same manner as the treasurer by this Act appointed.

VI. And for continuing the succession of the said directors until the said town shall be incorporated, Be it further Enacted by the authority aforesaid, That in case of the death or refusal to act of any of the said directors, the remaining directors, or the majority of them, shall assemble and are hereby impowered from time to time by instrument in writing under their hands and seals, to nominate some other person being a freeholder in the said town in the place of him so dying or refusing to act; which new directors so nominated and appointed shall from thenceforth have the like power and authority in all things in the matters herein contained, as if they had been expressly named and appointed in and by this Act.

CHAPTER XLV.

An Act for establishing and laying out a town in Richmond County by the name of Rockingham.

I. Whereas the establishing and laying out a town in the county of Richmond on the public land at the court house thereof would be of great advantage to the inhabitants, and be a considerable means of raising money for building the public buildings of said county;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commissioners heretofore appointed for contracting for the building of the public buildings of Richmond county, or a majority of them, be and they are hereby authorized and impowered to lay out all the public lands by them purchased for the use of the public at Richmond court house into a town of half acre lots, with proper streets, &c., which shall be called and known by the name of Rockingham; one or more of the said lots to be reserved for the use of the public buildings, and the other lots to be disposed of by the said commissioners towards raising the money for compleating the said public buildings; and the said commissioners are hereby authorized to make good and sufficient titles in fee simple to the respective purchasers for the said lots.

CHAPTER XLVI.

An Act to amend an Act, intituled, "An Act for establishing a town on the Land of William Herritage, at a place called Atkins's Banks, in Dobbs County."

I. Whereas the erecting and establishing a town in the county of Dobbs has been a means of promoting trade and commerce; and the Act of Assembly passed in the year of our Lord one thousand seven hundred and sixty-two for establishing the same, is found to want alterations and amendments,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the one hundred and fifty acres of land constituted, erected and established

a town and town-common by the name of Kingston, shall from and after the passing of this Act be called and known by the name of Kinston.

III. And whereas the greater number of the directors and trustees of the said town appointed in the said Act are dead or removed out of the said county, and it being doubted whether those remaining have power to supply the vacancies by electing others, Be it therefore Enacted by the authority aforsaid, That the Honourable Richard Caswell, Esquire, Jesse Cobb, William Caswell, Isaac Wingate, Richard Caswell the younger, John Herritage, and John Sheppard, Esquires, shall be, and they are hereby appointed trustees and directors of the said town in the place and stead of those appointed by or elected in virtue of the aforesaid Act, and shall and may use and exercise the same powers and authorities as the directors or trustees of the said town appointed by the said Act could or might have exercised, used and enjoyed by virtue of the same; and in case of the death, refusal to act, or removal out of the county of any of the said directors, the surviving or other directors, or a majority of them, shall and they are hereby impowered to choose another director or directors in the room of such so dying, refusing to act or removing out of the county; and such director or directors shall have the same power and authority as if expressly named and appointed in and by this Act.

IV. And be it further Enacted by the authority aforesaid, That for the future the courts of the said county, the election of representatives, the election of wardens of the poor, general musters and other legal public meetings of the inhabitants of the said county shall be held in the said town; and the sheriff of the said county, the clerk of the county court, and the register of the county and their successors in offic, shall hold and keep their respective offices in the said town of Kinston, and at no other place whatever; any custom or usage to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That no suit, writ or other process that is or shall be made returnable to the next county court of pleas and quarter sessions to be held for the county of Dobbs after the passing of this Act shall be abated or vacated, or any bailbond, recognizance or other instrument of writing become void or invalid, but the same shall be good, available in law, and as effectual to every intent and purpose whatsoever as if the alteration of the name of the said town and town-common had never been made; and that so much of the above recited Act as is not altered by this Act shall be, and is hereby declared to be of the same force and effect in relation to the said town and town-common as if the same had been originally called by the name of Kinston.

VI. And be it further Enacted by the authority aforesaid, That one-half of the lot comprehending the southern part thereof, known in the plan of the said town by the number of seventy-six, be and hereby is vested in the justices of the said county of Dobbs and their successors in office for the sole purpose of erecting a gaol thereon for the use of the said county; and the trustees and directors of the said town are hereby declared to have no power to dispose of or convey the said lot to any other person or persons, or for any other use whatsoever; any thing in the before recited Act to the contrary notwithstanding.

VII. And be it further Enacted by the authority aforesaid, That the directors and trustees of the said town shall be vested with, and are hereby declared to have power to call upon such person and persons as have received any monies or engaged by subscription to pay any such, or who may hereafter subscribe any money for the erecting, building and finishing the court house, prison and stocks in the said town for the payment

of the same; and in case of neglect or refusal to pay such money they shall and may, and are hereby impowered and authorized in the name of the treasurer of the said town to sue for and recover the same before any jurisdiction having cognizance thereof, and shall cause the same to be applied to the purposes of the said subscriptions, and to no other use or purpose whatsoever.

VIII. And be it further Enacted by the authority aforesaid, That the directors and trustees for the time being, or a majority of them, shall and are hereby impowered to pass any order that they may judge proper for opening the streets, preventing mortar, clay or wooden chimnies being built, and pulling down such as are already built, if judged by them to be a nuisance, for obliging the inhabitants to keep their chimnies clean and raising them to a proper height, for obliging all persons to clear the streets before their houses, and for all other things for the good and safety of the said town and the proper regulation of it, consistently with the laws of the State, and to enforce such orders by laying a fine not exceeding forty shillings on all persons neglecting or refusing to comply therewith, to be levied by a warrant from such directors and trustees, and sale of the offenders goods in the same manner as goods are lawfully sold for the payment of small debts, and the money applied to the use and benefit of the said town.

IX. And be it further Enacted by the authority aforesaid, That the directors and trustees of the said town, or a majority of them, shall as often as they think proper appoint a town clerk, and shall keep a town book in which shall be entered the time of taking the entries of lots, the orders they may make, the persons names who make such entries, the time when the deeds are granted, an account of the monies they receive, the manner of applying the same, and the sums remaining on hand; and such clerk may take and receive for the entry of each lot, and drawing the deed for the same, the sum of eight shillings and no more.

X. And be it further Enacted by the authority aforesaid, That the justices of the said county of Dobbs shall, and they are hereby impowered yearly to appoint some fit and proper person inhabitant of the said town overseer of the same, who shall as often as there shall be occasion summon the male inhabitants of the said town liable by law to work on public roads to clear and repair the streets and alleys thereof, and remove any nuisance or nuisances within the same, and if such inhabitants shall fail or refuse to appear on such summons and work in the said town at such times and places as the overseer shall direct (two days' notice being given before the day appointed for working), such person so neglecting or refusing or the master or mistress of such person being an apprentice, servant or slave, shall forfeit and pay the sum of ten shillings for every day he shall so neglect or refuse, to be recovered by a warrant from any justice of the peace for the said county, to be applied to the purpose of employing persons to work on and keep the streets and alleys in the said town clean and in good order and repair; and the inhabitants of the said town of Kinston shall be, and for the future are by this Act declared to be exempt from working on any of the public roads out of the said town.

XI. And be it further Enacted by the authority aforesaid, That none of the inhabitants of the said town shall on any pretence whatsoever suffer any of their hogs or geese to run or be at large within the bounds of the said town; and any hog or hogs, goose or geese running at large in the said town, shall be forfeited to any person who shall kill or seize the same.

XII. And be it further Enacted by the authority aforesaid, That so much of the Act for establishing the town of Kinston as is repugnant to or inconsistent with this Act be and is hereby repealed and made void.

CHAPTER XLVII.

An Act for establishing a Town on Cumberland River at a place called the Bluff, near the French Lick.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the directors or trustees herein after appointed, or a majority of them, shall so soon as may be after the passing of this Act cause two hundred acres of land, situate on the south side of Cumberland river at a place called the Bluff, adjacent to the French Lick, in which the said Lick shall not be included, to be laid off in lots of one acre each, with convenient streets, lanes, and alleys, reserving four acres for the purpose of erecting public buildings, on which land so laid off according to the directions of this Act, is hereby constituted, erected and established a town, and shall be called and known by the name of Nash-Ville, in memory of the patriotic and brave General Nash.

II. And be it further Enacted by the authority aforesaid, That from and after the passing this Act, Samuel Barden, Thomas Maloy, Daniel Smith, James Shaw, and Isaac Lindsay, be, they and every of them are hereby constituted directors and trustees for erecting and laying out and carrying on the said town; and they shall stand seized of an indefeasible estate in fee of the said two hundred acres of land, to and for the uses, intents and purposes hereby expressed and declared; and they or any three of them shall have power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for the same; and when the said directors have taken subscriptions for fifty lots or upwards they shall appoint a day and give public notice to the subscribers of the day appointed for the drawing of the said lots, which shall be done by ballot in a fair and open manner, which shall be done by the directions and in the presence of a majority of the said directors at least; and such subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, and correspond with the mark or number contained in the plan of the said town; and the said directors or a majority of them shall make and execute deeds for granting and conveying the said two hundred acres of land in lots of one acre as aforesaid, to the subscribers, their heirs, and assigns forever, under the rules and restrictions and provisos hereafter-mentioned; and also to every other person who shall purchase any lot or lots in the said town, at the cost and charges of the grantee to whom the said lot or lots shall be conveyed; and every person claiming any lot or lots by virtue of such conveyance, shall and may hold and enjoy the same in fee simple:

Provided nevertheless, That every grantee of any lot or lots in the said town so conveyed, shall within three years after the date of the conveyance for the same erect, build and finish on each lot so conveyed one well framed or square logged, or brick, or stone house, sixteen feet square at least, and eight feet pitch in the clear, with a brick or stone chimney, or proportionable to such dimensions if such grantee have two or more lots contiguous; and if the owner of any lot or lots shall fail to comply with

the directions in this Act prescribed for building and finishing a house thereon, such lot or lots upon which a house shall not be built and finished as aforesaid, shall be free for any other person or persons to take up in the same manner and under the same rules and restrictions as other lots are directed to be granted to any other person or persons after the subscription lots are drawn for.

III. And be it further Enacted by the authority aforesaid, That each respective subscriber who shall subscribe for any lot or lots in the said town, shall within one month after it shall be ascertained to whom each of the said lots doth belong in manner hereinafter-mentioned, pay and satisfy to the treasurer of the said town four pounds specie for each lot by him subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the treasurer may and shall commence and prosecute a suit in his own name for the same, and therein shall recover judgment with costs of suit; and the said treasurer shall as soon as he receives the said money pay the same into the hands of Ephraim M'Lean, Andrew Ewen, and Jonathan Drake, to be by them applied to the purpose of building a court house, prison and stocks upon the before reserved public lots, for the use and benefit of Davidson county; and the said Ephraim M'Lean, Andrew Ewen, and Jonathan Drake, are hereby directed and required to give bond with approved security to the justices of the said court for the faithful application of the same, in the penal sum of one thousand pounds specie, previous to their receiving the same.

IV. And be it further Enacted by the authority aforesaid, That Samuel Barden be, and hereby is appointed treasurer of the said town, who shall enter into bond with sufficient security to the justices of the said court of Davidson county, in the penal sum of one thousand pounds, that he will well and truly account with and pay the monies he shall receive in virtue of his office to each person and persons as by this Act he is directed; and on the death of the said treasurer the remaining directors, or any three of them, by certificate under their hands and seals, shall nominate and appoint one other of the said directors to be treasurer of the said town; and so in like manner from time to time as often as the said office shall become vacant as aforesaid; and such treasurer or treasurers shall enter into bond with security, in the same manner as the treasurer by this Act appointed.

V. And for the continuing the succession of the said directors until the said town shall be incorporated, Be it further Enacted by the authority aforesaid, That in case of the death or refusal to act of any of the said directors, the remaining directors, or a majority of them, are hereby impowered from time to time, by instrument in writing under their hands and seals, to nominate some other person being a freeholder in the said town in the place of him so dying or refusing to act; which new director so nominated and appointed shall from thenceforth have the like power and authority in all things and matters herein contained as if he had been expressly named and appointed in and by this Act: Provided, That James Robertson shall have leave to choose four lots in such part of the said town as he shall think proper, for which he shall pay the said commissioners four pounds for each lot, and shall have deeds for the same, in the same manner as directed by this Act in other cases.

CHAPTER XLVIII.

An Act for Annexing Certain Lands Laid off by Thomas Respiss, Esquire, to the Town of Washington, and for Impowering the Commissioners to Lay a Tax on the Inhabitants of Said Town.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act all that tract or parcel of land lately laid out by Thomas Respiss, Esquire, immediately above and adjoining the town of Washington, containing fifty-two lots, shall be and is hereby annexed to the said town, and shall hereafter be considered as part of the town of Washington, and subject to the same rules and regulations.

II. And, whereas, it is necessary that the streets should be kept in repair and other useful improvements made therein, Be it Enacted by the authority aforesaid, That from and after the passing of this Act the commissioners of the said town, or a majority of them, shall and they are hereby required within sixty days after the first day of April in every year to lay such a tax as they may judge necessary, not exceeding one shilling on every hundred pounds value of taxable property, which tax shall be collected by warrant under the hands and seals of the commissioners or a majority of them, directed to any person they shall appoint to collect the same, returnable at such time as shall be therein mentioned, which said collector appointed as aforesaid is hereby impowered to collect, and make distress for the same in like manner as sheriffs or other collectors of public or county taxes are impowered by law, and the money arising therefrom, after deducting five per cent. commissions, shall be by them paid into the hands of the commissioners or a majority of them, to be by them applied and laid out in clearing and repairing the public streets, and in any other public improvements they may judge necessary for the benefit of the said town.

III. And be it further Enacted by the authority aforesaid, That all persons residing three months in the said town next before the first day of April in every year shall be subject to pay taxes in the same, which said tax shall be levied on all taxable property within the said town, and a poll tax of two shillings on all single persons liable to pay taxes in said town not possessed of one hundred pounds taxable property, in the same manner as public taxes are by law to be levied, and shall be given in at the same time and in the same manner as other taxable property is by law, and the justice who shall receive said list is hereby required to return the same to the commissioners within sixty days after the first day of April annually.

IV. And be it further Enacted by the authority aforesaid, That no inhabitant of the said town shall on any pretence whatsoever keep any hog or hogs, shoat or pig running at large within the bounds of said town, under the penalty of forfeiting said hog or hogs, shoat or pig; and it shall be lawful for any person or persons having resided three months in said town to shoot, kill or otherwise destroy such hog or hogs, shoat or pig so running at large within the bounds of said town.

CHAPTER XLIX.

An Act to Amend An Act, Intituled, "An Act for the Regulation of the Town of Wilmington."

I. Whereas, by an Act, intituled, An Act for the regulation of the town of Wilmington, passed in the year one thousand seven hundred and sixty-

six, the commissioners of the said town are directed at least twice in every year to warn all the male taxables to clear, repair and pave the streets, lanes or alleys, and to make or mend wharves, docks or ships, which hath been found by experience to be inconvenient and burthensome, and not to answer the purposes thereby intended; for remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commissioners of the said town shall annually levy a tax not exceeding ten shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds in taxable property, which tax shall be collected by a warrant under the hands and seals of the commissioners, directed to such persons as they shall appoint for that purpose; and the collector to be appointed as aforesaid, is hereby impowered and directed to collect and make distress for the same in like manner as collectors of public taxes, and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the town treasurer, to be by the commissioners applied and laid out in clearing cleaning and repairing the streets and public passages, making and repairing water courses, public wharves and docks, paying officers for transacting the business of the town, and in such other public work and business as the commissioners may deem necessary.

III. And the more effectually to ascertain the taxable property within the said town, Be it Enacted by the authority aforesaid, That every inhabitant thereof shall yearly, at the time he shall give in his taxable property to be assessed for the use of the State, distinguish in the list he shall return what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the commissioners shall and may order the town tax to be levied for the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town; anything herein contained to the contrary notwithstanding: And it is hereby declared, That every person inhabiting or occupying any house or other building or improvement, or any wharf or lot within the said town, shall be liable to the payment of the tax thereof, unless the same shall have been returned by some other inhabitant.

IV. And, whereas, the fire engines of the said town are greatly out of repair, and some parts thereof entirely destroyed, Be it therefore Enacted by the authority aforesaid, That the said commissioners shall and they are hereby required as soon as they shall be possessed of a sufficient fund for that purpose cause the said engines to be repaired, and when so repaired, that they have the same worked at least once in every month, under the penalty of forty shillings for every month which they shall neglect to have the same done, to be recovered by any person who shall sue for the same in any court of record having cognizance thereof.

V. And, whereas, from the many incroachments made on the streets of the said town by erecting piazzas, porches, platforms and other buildings thereon, the inhabitants and others are greatly incommoded, and much injury may arise by fire being thereby communicated across the streets; for remedy whereof, Be it Enacted by the authority aforesaid, That the commissioners of the said town are hereby impowered and required to order all such incroachments from which danger may be apprehended to be removed under such penalties as they shall think necessary to impose; and where any incroachments shall be found on any street or streets from which no immediate danger is to be apprehended, the said commissioners shall im-

pose a ground rent not exceeding three pounds ten shillings to be paid annually for each piazza, porch, platform or other incroachment on the street adjoining to or being before any one house or tenement, to be applied to the public stock of the said town; and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seals of the commissioners, directed to a constable or other officer to be by them appointed, on the goods and chattels of the delinquent: Provided always, That uncovered piazzas or platforms, and uncovered porches not exceeding seven feet wide (including steps and cellar doors) shall not be liable to pay any ground rent; anything herein contained to the contrary notwithstanding.

VI. And be it further Enacted by the authority aforesaid, That no persons shall hereafter be permitted to inclose or cover any piazza, porch or platform already built and not permitted by this Act, nor be at liberty to repair the same; nor shall any person for the future make any incroachment on the street without the express consent of the commissioners in writing, and that only for uncovered platforms not exceeding seven feet in width, including steps and cellar doors; and if any encroachment shall be made contrary to the intent and meaning of this Act, or any such incroachment now standing and not liable to be removed should be repaired, the commissioners are hereby impowered and required to cause the same to be taken down, or to impose such penalty as they shall judge reasonable, not exceeding the sum of seven pounds for every year such repaired incroachment shall be suffered to remain, to be recovered by action of debt before any jurisdiction having cognizance thereof, and the person suffering such incroachment shall be also liable to be indicted for a nuisance.

VII. And be it further Enacted by the authority aforesaid, That the commissioners of the said town and their successors in office shall, and they are hereby declared to be a body politic and corporate, by the name and designation of the Commissioners of the Town of Wilmington, and that they may sue and be sued, implead and be impleaded as such, and shall have power and authority to make orders not inconsistent with the constitution, for carrying this and the before-mentioned Act into execution, and to appoint a treasurer, clerk, surveyor, fire-masters, and such other officers as shall appear to them necessary for the good government of the said town, ascertaining the salaries, fees and perquisities of such officers.

VIII. And be it further Enacted by the authority aforesaid, That the said commissioners are hereby particularly required and directed to ascertain the distance to which wharves may be extended into the river so as to prevent any incroachments on the channel, and to cause all persons who are owners or occupiers of wharves, or who may hereafter make wharves to raise walls of stone, brick or timber, at least one foot above the surface of each wharf, so as to prevent sand or earth being carried into the river by floods of rain; and the said commissioners are required to be particularly careful in that respect in constructing all public wharves, great injury having already been done for want of that necessary precaution, the channel being in many places considerably narrowed; the said commissioners are also particularly required and directed to prevent any buildings from being erected, until the ground on which such buildings are intended to be shall be first divided from the street by a line to be drawn by the town surveyor, under an order from the said commissioners; and all and every person, and person or persons constructing or building, or attempting to construct or build any wharf or wharves, or any tenement or other building contrary to the true intent and meaning of this Act, shall be liable to pay a

fine to the said commissioners for the use of the said town not exceeding the sum of five pounds, to be recovered as aforesaid, and moreover such building or incroachment shall be removed at the expence of the party offending.

IX. And be it further Enacted by the authority aforesaid, That the commissioners of the said town are hereby particularly required and directed to make the necessary regulations to prevent slaves from keeping houses in the said town, and to impose fines and penalties on the owners and tenants of houses who shall suffer the same to be occupied by slaves, and to prevent all persons from dealing with slaves not having tickets from their masters or overseers, to remove all nuisances, to erect a fire company to prevent fires being made on the wharves and in the streets, more especially in stormy weather and in the night time, and to oblige the inhabitants to keep a sufficient number of water buckets in their houses with their names thereon to be ready in cases of fire, to regulate the markets and to inforce their orders and regulations by laying fines and imposing penalties on all persons refusing or neglecting to comply therewith, to be recovered before any jurisdiction having cognizance thereof: Provided always, That if the offender be a slave, then and in that case such slave shall be adjudged to be whipped by a constable or other officer of the said town at the discretion of the commissioners, unless the master or mistress of the offending slave shall pay the fine: And provided also, That it shall and may be lawful for any person who shall think himself aggrieved by the judgment of the commissioners to appeal from such judgment to the Court of New Hanover county, first giving security to prosecute the appeal, which said court is hereby impowered to determine the same by a lawful jury.

X. And be it further Enacted by the authority aforesaid, That the commissioners for the time being shall call all persons to account for any monies which may be in their hands belonging to the said town, and to issue warrants for all sums which may appear to be due; and that all sums of money mentioned in the aforesaid Act passed in the year one thousand seven hundred and fifty-six is hereby declared to be of the same value as the present circulating money of this State.

XI. And, whereas, there are not at present any acting commissioners in the said town, Be it therefore Enacted by the authority aforesaid, That the sheriff of New Hanover county shall immediately after the first day of July next, warn all the male inhabitants of the said town to meet at some convenient place therein, on the third Monday in the said month to choose commissioners for the remainder of the present year; and the said sheriff shall on the said third Monday in July hold the election for commissioners of the said town by ballot, and in the same manner as for a member of the General Assembly; and all the inhabitants of the town who shall on the said day be qualified to vote for a member to represent the said town in the General Assembly, shall be entitled to vote for commissioners.

XII. And in order that a succession of commissioners may be kept up, Be it Enacted by the authority aforesaid, That the commissioners for the time being shall on the twentieth day of December next, and so on the twentieth day in December in every year afterwards, cause the town clerk to warn the inhabitants of the said town to attend at the court house, or other convenient place thereon, on the first Monday in January following, to elect five commissioners for the then current year; and the election shall be held by the town clerk in preference to the old commissioners in manner as before directed; and the power of the old commissioners shall not cease until a sufficient number of the new chosen commissioners shall accept the ap-

pointment and be qualified according to law; and in case of death, refusal to act, or removal of any of the said commissioners, another or others shall be elected in like manner in his or their stead, eight days' previous notice being given of the time and place of the intended election.

XIII. And be it further Enacted by the authority aforesaid, That in all acts of the said commissioners a majority of them shall constitute a quorum for the purposes intended by this act; and that the commissioners to be chosen from time to time by virtue hereof, shall have all the powers, authorities and pre-eminences with those to be chosen in the first instance; and the commissioners to be chosen in the month of July next, shall impose the tax on the inhabitants of the said town for the present year, that the same may be collected and applied without loss of time for the benefit thereof.

CHAPTER L.

An Act to Regulate the Town of Hillsborough and to Repeal all Laws Now in Force Which Come Within the Purview Hereof.

I. Whereas, the laws now in force for the regulation of the town of Hillsborough are found inadequate to the purposes for which they were intended;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That William Hooper, James Hogg, John Taylor, Archibald Lytle, John Estes, William Courtney, James Williams and John Nichols be, and they are hereby appointed commissioners for the town of Hillsborough, and shall have full power and authority to act and do everything that former commissioners for said town lawfully might do or have done, and shall keep the streets in good repair and order, and shall have power and authority to appoint an overseer or overseers of the streets, and shall have full power to summons the inhabitants of the said town to work upon the streets; and in case of the failure or refusal of any inhabitant so summoned to work upon the streets, or to procure a sufficient substitute to perform such work, such inhabitant so failing shall forfeit and pay ten shillings for each and every day's neglect or refusal, to be recovered in a summary way by complaint made to one or more of the aforesaid commissioners, such fine or forfeiture to be paid into the hands of the chairman of the said commissioners, to be applied to the use of the town in such manner as the commissioners shall direct: Provided always, That no person within the limits of the said town, or the privileges thereof, shall be compelled to work more than ten days in any one year; and in case of the death, removal, neglect, or refusal to act of any of the said commissioners, it may be lawful for the freeholders of the said town to assemble and elect another or others; and he or they so elected shall have the same power and authority as those nominated and appointed by this Act.

III. And, whereas, it has been found inconvenient to collect and enforce the attendance of the commissioners when the exigencies of the town required it, Be it therefore Enacted by the authority aforesaid, That if any commissioner shall (after notice or summons subscribed by three of the commissioners, and countersigned by their clerk, such notice or summons to contain the time and place of meeting, and to be served twelve hours at least previous to such meeting) fail to give his attendance, he shall forfeit and pay ten shillings, unless prevented by sickness, or such other cause

as shall be satisfactory to a board of commissioners, which shall not consist of less than a majority of the whole number; such fine or forfeiture to be recovered and applied as the fines heretofore mentioned.

IV. And be it further Enacted by the authority aforesaid, That the said commissioners shall meet on the second Monday in July, October, January and April, and oftener if circumstances shall render it necessary, and at their first meeting elect a chairman, who shall be the treasurer to the said commissioners and preside and vote at their meeting; and they shall also elect a clerk or register, who shall keep all plots, plans, deeds, grants, records and registers, and all other public papers relative to the said town, and of all proceedings heretofore had, and which may be had before the commissioners of the said town; the said chairman and clerk to be chosen out of the commissioners aforesaid.

V. And be it further Enacted by the authority aforesaid, That the commissioners at their first meeting shall pass an order or ordinance directing in what manner the streets of the said town (for the convenience of inhabitants and others) shall be paved and otherwise improved, which order or ordinance the inhabitants of the said town shall be bound to obey and carry into execution within twelve months after passing the same, under the penalty of ten pounds for every month's failure or neglect by any one of the said inhabitants after the expiration of the said twelve months, to be recovered in manner before directed as to other fines, and applied one-half to the use of the informer, the other half to the use of the town as the said commissioners shall direct.

VI. And be it further Enacted by the authority aforesaid, That none of the inhabitants of the said town shall on any pretence whatsoever suffer any of the swine, or geese, or goats to run at large within the bounds of the said town of Hillsborough; and every swine, goose or geese, goat or goats, running at large in the said town, shall be forfeited to any person who shall seize or kill the same, to whomsoever they may belong.

VII. And be it further Enacted by the authority aforesaid, That the commissioners be and they are hereby impowered to contract with some person to inclose within a fence the church-yard and the graves therein comprehended, and to impose a tax not exceeding two shillings per poll upon every white taxable person within the said town and the privileges thereof, and upon every black male or female the property of the inhabitants of the said town, to be and continue for the term of two years, to be collected by a constable or other person appointed by the said commissioners, which constable in case of neglect or refusal is hereby appointed to distrain for the same; which tax when collected shall be paid in to the hands of the treasurer or chairman of the said commissioners, and applied towards the decently inclosing the said burial yard, the surplus thereof, if any there be, to be applied to the use of the inhabitants of the town, for the further regulation and improvement thereof.

VIII. And be it further Enacted by the authority aforesaid, That all laws and clauses of laws coming within the purview hereof are hereby declared to be void.

CHAPTER LI.

An Act to Amend An Act, Intituled, An Act for Purchasing a Lot or Lots in the Town of Wilmington, for the Purpose of Building a Jail for the District of Wilmington and Other Purposes, and for Repairing the Court House of the Said District.

I. Whereas, the trustees named in an Act, intituled, An Act for purchasing a lot or lots in the town of Wilmington, for the purpose of building a jail for the district of Wilmington and other purposes, passed at Hillsborough in May, one thousand seven hundred and eighty-three, have not yet been able to purchase a convenient lot of ground on which to erect a prison for the said district;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said trustees shall not purchase less than half an acre of ground for the purpose aforesaid, that there may be sufficient room for a yard for the use of the prisoners, and a garden for the jailer, and ground on which to erect a workhouse at a future day; and that such lot or lots be purchased in such part of the said town where it may be convenient to visit the said prison, but at the same time so removed from the principal part thereof as to avoid giving the high prices which lots generally bear therein.

III. And, whereas, the district court house in the said town was during the war stripped of the flooring the windows thereof destroyed, and the same is otherwise greatly injured; and until a permanent prison can be constructed it becomes immediately necessary to erect a temporary jail, not only for the purposes of confining common offenders and debtors, but for restraining riotous seamen and slaves; and the taxes heretofore imposed not being sufficient to answer all the purposes intended by this and the before recited Act, Be it therefore Enacted by the authority aforesaid, That a tax for the present year of one shilling and four pence per poll, and so in proportion for lands, be laid upon the inhabitants in the county of New Hanover, and a tax of six pence per poll, and so in proportion for lands, upon the inhabitants in the counties of Onslow, Duplin, Bladen, Brunswick, Fayette, Sampson and Moore; and the said taxes shall be assessed and collected in the same manner as public taxes, and shall be paid into the hands of the said trustees, or to the order of a majority of them; and the said tax shall continue to be assessed and collected for the two next successive years, under the same pains and penalties for non-payment as may be had and used for the non-payment of public taxes; and the said trustees shall and may have and use the same mode of recovery against the collectors of the said taxes, as against the collectors of public taxes.

IV. And for the better securing the said taxes when collected, and the monies already collected, or heretofore imposed by virtue of any former Act of the General Assembly, Be it further Enacted by the authority aforesaid, That the said trustees, or a majority of them, shall appoint a treasurer to receive the same, who shall enter into bond with sufficient securities, in the penalty of one thousand pounds, payable to the said trustees, conditioned that he will, when thereto required, pay to the order or orders of the said trustees all such sum or sums of money as he shall receive by virtue of this Act, first deducting thereout at the rate of two and a half per centum, for his trouble in receiving and paying the same, which bond shall be lodged with the clerk of the superior court of Wilmington district, and may and shall be put in suit for a breach of the condition thereof; and in case of such suit the treasurer shall not be entitled to any commissions for re-

ceiving and paying the monies imposed by this or any other Act, but judgment shall be given against him for the whole of the said monies which shall be paid to him, without any deductions whatever.

V. And be it further Enacted by the authority aforesaid, That the said trustees shall take a deed or deeds for the grounds which they may purchase for the purpose of a district jail to themselves in trust, for the use and uses of the said district; and shall as soon as the same can conveniently be effected, erect thereon a good and sufficient temporary jail, of such materials and dimensions as they shall think necessary; which jail when so erected shall be held and taken to be the jail of the said district, until another more convenient can be built; and the said trustees shall out of the monies already collected proceed without delay to the repair of the court house in the said town, so as to render the same fit for the public business as speedily as possible.

CHAPTER LII.

An Act for levying a further Tax in the District of Halifax for repairing the Court House and Gaol of said District.

I. Whereas, the tax levied for the year one thousand seven hundred and eighty-three for the purposes aforesaid is found insufficient to complete the intended repairs,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That eight-pence current money be levied on every hundred pounds taxable property in the county of Halifax, and a poll-tax of eight-pence current money on every person whose estate is not assessed to one hundred pounds in said county; and that four-pence current money be levied on every hundred pounds taxable property in the counties of Edgcomb, Northampton, Warren, Franklin, Nash, and Martin, and a poll-tax of four-pence on every person liable to the payment of a poll-tax, for the year one thousand seven hundred and eighty-four as aforesaid, to be collected, paid and applied in the same manner as the tax directed to be levied for one thousand seven hundred and eighty-three, by an Act intituled, An act for levying a tax on every hundred pounds taxable property in the district of Halifax, for repairing the court-house and gaol of said district.

III. And be it further Enacted by the authority aforesaid, That each and every of the commissioners by the above-mentioned Act appointed, or such of them as shall agree to act in the premises, shall give bond with sufficient security, in the sum of one thousand pounds current money, for the faithful discharge of the trust reposed in them by this Act and the Act aforesaid; and to account with the several county courts of the district, for their respective proportions of the overplus, if any, that may remain of the aforesaid tax, payable to the Governor for the time being, and his successors in office; which bond shall be lodged in the office of the clerk of the county courts of Halifax.

CHAPTER LIII.

An Act for appointing Commissioners for selling the Granaries in the Counties of Franklin and Warren, and for repealing an Act, intituled, "An Act for appointing Commissioners for selling the Lot number forty-four in Warrenton, whereon the Public Granary now stands, and for other purposes, and for altering the times of holding Courts in the County of Caswell."

I. Whereas the confirmation of peace with the United States of America and Great Britain has rendered the aforesaid granaries useless,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That James Derby, William Hill and Pateswell Milner, or a majority of them, be and they are hereby appointed commissioners for selling the granary in the county of Franklin; and that John Macon, Benjamin Hawkins and James Payne, Esquires, or a majority of them, be and they are hereby appointed commissioners for selling the granary in the county of Warren.

III. And be it further Enacted by the authority aforesaid, That the above-said granaries shall be sold by their respective commissioners seperately to the highest bidder, the purchasers giving bond and security to the said commissioners, payable twelve months after the day of sale, with interest from the date, and the money arising from such sale to be accounted for by the said commissioners, and applied as other county monies.

IV. And be it further Enacted by the authority aforesaid, That all and every part of an Act, intituled, An Act for selling the lot number forty-four in Warrenton, whereon the public granary now stands, and other purposes, be, and the same is hereby repealed and made utterly void.

V. And whereas the days heretofore appointed for holding courts in the county of Caswell are found inconvenient, Be it therefore Enacted by the authority aforesaid, That the court of pleas and quarter sessions for the county of Caswell from and after the passing of this Act, shall be held on the third Monday in July, October, January, and April, annually; and every process, recognizance, and all proceedings whatever returnable to the said court, shall be returned on the court days by this Act appointed, and all causes depending in the said courts shall stand continued to the same days; any law, usage or custom to the contrary notwithstanding.

CHAPTER LIV.

An Act to authorise and impower Isaac Gregory, Esquire, formerly Sheriff of Pasquotank, now Pasquotank and Cambden Counties, to collect the arrears of Taxes due him from the inhabitants of said Counties, for the years one thousand seven hundred and sixty nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-four.

I. Whereas it is represented to this General Assembly that in consequence of the difficulties and confusion introduced by the commencement of the late war, large arrears of taxes, remains still due to Isaac Gregory, sheriff of Pasquotank, now Pasquotank and Cambden counties,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That

from and after the passing of this Act it shall and may be lawful for Isaac Gregory, Esquire, of Cambden county, or for any other person or persons, by him authorized and impowered to receive and collect from all persons such arrears as may be due him for taxes, payable by the then inhabitants of Pasquotank county, in the years one thousand seven hundred and sixty-nine, one thousand seven hundred and seventy, one thousand seven hundred and seventy-one, one thousand seven hundred and seventy-two, and one thousand seven hundred and seventy-four, after the manner and custom by which taxes were then by law collected; such collection to be made agreeable to the rules and lists of those years respectively; Provided nevertheless, If any person on whom a demand for such arrears of taxes may be made shall produce a receipt or receipts of his having paid the same, or in case of the loss of such receipts, shall within ten days after the demand is made, make oath before a justice of the peace of his having paid the same, or that he was not at the time for which the arrears of the taxes may be demanded liable to pay taxes in such county; on obtaining a certificate from the justice of the peace of his having so done, such person shall be exonerated and discharged from such demand.

III. And be it further Enacted by the authority, That the said Isaac Gregory, or the person or persons for that purpose by him authorised and impowered, shall give at least one months notice by advertising the same at the most public places within each of the counties of Pasquotank and Cambden, of the times and places when and where he or they will attend in order to receive such arrears of taxes; and all persons paying or tendering the same within the time limitted, shall not be liable to either costs or charges; but in case of failure it shall and may be lawful for the said Isaac Gregory, or the person or persons by him authorised and impowered as aforesaid, to make distress for the same in like manner as was by law prescribed for sheriffs to distrain for taxes in those times, for which such arrears are due and payable.

CHAPTER LV.

An Act to authorise Richmond Pearson to collect the Specific Tax which remains due from the inhabitants of the County of Rowan for the year seventeen hundred and eighty-one; and also the Commissioners of Franklin County to collect the arrears of Taxes of said County for the years seventeen hundred and eighty, seventeen hundred and eighty-one, and seventeen hundred and eighty-two.

I. Whereas the specific tax for the county of Rowan for the year seventeen hundred and eighty-one, hath not been fully collected by reason of the resignation of the county commissioners for that year; and whereas some doubts have arisen as to the legality of the appointment of the commissioner of specific taxes of said county, for the year seventeen hundred and eighty-two, and as to his powers of collecting the arrearages of said taxes for the year seventeen hundred and eighty-one,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Richmond Pearson be, and he is hereby authorised and appointed to collect the value of the said specific tax in money which remains due from the inhabitants of the said county for the year seventeen hundred and eighty-one, according to the rates affixed by the last specific tax law, and that he

collect the said tax and account for the same under the same directions and penalties which sheriffs and collectors are by law bound and liable.

III. And be it further Enacted by the authority aforesaid, That the commissioners for receiving the specific tax in the county of Franklin, is hereby authorized and impowered to collect the arrearages of said taxes for the years seventeen hundred and eighty, seventeen hundred and eighty-one, and seventeen hundred and eighty-two, agreeable to the last specific tax-law; any law to the contrary notwithstanding.

CHAPTER LVI.

An Act to impower Arthur Brown, Esquire, late Sheriff of Bertie County to collect the arrears of Taxes due for the said county in the year one thousand seven hundred and seventy-four, and one thousand seven hundred and seventy-five.

I. Whereas through the unavoidable confusion of the times great deficiencies are like to arise in the collection of the taxes for the county of Bertie, for the years one thousand seven hundred and seventy-four, and one thousand seven hundred and seventy-five, whereby Arthur Brown, late sheriff of said county will become liable to the payment of large sums of money to the public,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, Arthur Brown, late sheriff of Bertie county, or some person for that purpose authorised and impowered by him, shall have full power and authority to receive and collect the arrears of taxes due for the said county of Bertie, for the year of one thousand seven hundred and seventy-four, and for the year one thousand seven hundred and seventy-five, in the same manner and form as taxes were then by law collected.

III. And be it further Enacted by the authority aforesaid, That the said Arthur Brown, or such person as he shall for that purpose impower, do collect and receive such arrears of taxes according to the list and rates of each of the said years respectively appointed: Provided nevertheless, That if any person against whom any demand of such arrears of taxes shall be made shall produce a receipt or receipts of his having paid the same, or in case of the loss or mislaying such receipt or receipts, shall make oath before any justice of the peace within ten days after such demand made, of his having paid and discharged the same, or part thereof, or that he was not at that time a taxable in the said county, and obtain a certificate of the same from said justice, such person shall be exonerated and discharged from such demand, either in part or the whole as the case may be.

IV. And be it further Enacted by the authority aforesaid, That the said Arthur Brown, or the person by him for that purpose authorized and impowered, shall give one month's notice by public advertising the same at the court house of said county, and all other public places within the same, of the time and place he, or such person as he shall for that purpose authorise and impower, will attend to receive such arrears of taxes; and all persons paying the same on or before the time appointed by such notice shall not be liable to pay any costs or charges; and if any person or persons shall fail to pay such arrears of taxes agreeable to this Act, it shall and may be lawful for the said Arthur Brown, or such person as he shall authorize and impower, to make distress for the same, in the same manner

as was at the time the said taxes became due, by law appointed for sheriffs to distrain in other cases of the like nature.

CHAPTER LVII.

An Act to Impower Edward Winslow to Receive Storage of Tobacco Inspected and Deposited in the Warehouse by Him Built at Fayetteville, by Permission of the Court of Cumberland.

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for Edward Winslow, his heirs or assigns, for the term of fifteen years from the passing of this Act, to take and receive a storage on tobacco inspected and deposited in the said warehouse, at the following rates, that is to say: Four shillings for each hogshead of tobacco inspected in the said warehouse: Provided, It does not lay in the said warehouse more than twelve months, and one shilling per month for each hogshead that shall continue in the said warehouse over and above twelve months, to be paid by the person taking out or removing such tobacco from the warehouse: And provided, The said Winslow does and shall keep the said warehouse in good and sufficient repair for the inspection and storage of tobacco.

CHAPTER LVIII.

An Act for the Relief of Sundry Petitioners Inhabitants of Davidson County Whose Names Are Therein Mentioned.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the persons whose names follow, viz.: John Cockrill, Ann Cockrill, formerly the widow Ann Johnston; Robert Espey, James Espey, John Buchanan, Cornelius Ruddle, James Mulkerin, James Tood, Isaac Johnston, John Gibson, Francis Armstrong, John Kennedy, junior, Mark Robertson William Ellis, James Thompson, James Shaw, James Franklin, Henry Howdishall, Pierce Castillo, Morris Shean, William Logan, David Flood, John White, Peter Leoney, William Collins, Jonas Manifee, Daniel Williams, John Evans, Andrew Thomson, Gasper Manseo, George Freeland, Daniel Johnston, Edward Swanson, Andrew Kellow, Francis Hodge, John Mulkerim, James Freeland, John Tucker, James Foster, Amos Heaton, Dennis Condry, Frederick Stump, Russel Gower, Andrew Ersin, Thomas Rater, Isaac Lindsey, Moses Winters, James Harris, John Brown, Lewis Crane, John Montgomery, Stephen Ray, Daniel Hogan, Thomas Spencer, Humphrey Hogan, Haydon Wells, Henry Ramsey, John Barrow, John Thomas, William Stewart, Samuel Walker, David Rounseval, Arthur McAdoe, James McAdoe, Henry Turney, Samuel Barton, John Dunham, Ephraim Pratt, William Overall and James Robertson, and the heirs or devisees of Zachariah White, Alexander Buchanan, James Leper, James Harrod, Alexander Thomson, David Maxwell, Robert Lucas, Timothy Tirrell, William Hood, Edward Carvin, William Nicely, James Shanklin, Samuel Morrow, George Kennedy, John Robertson, Abel Gowen, senior, Abel Gowen, junior, Nicholas Trammell, Philip Mason, James Turpin, Nathan Turpin, Jacob Stump, Nicholas Gentry, William Cooper, Jacob Jones, James Mayfield, William Green, William Johnston, Samuel Scott, George Aspic, William Leighton, John Crutch-

field, Joseph Hay, John Searcey, Isaac Lucas, Patrick Quigley, Jacob Stull, Joseph Milligan, Abraham Jones, David Fane, Benjamin Porter, Edward Larimore, William Gausney, Jonathan Jennings, David Gervin, Jesse Bialston, Joseph Renfrew, Philip Conrod, William Gausway, John Bernard, John Lumiden, John Gilkey, Solomon Phelps, James John, Thomas Hainey, Alexander Allerson, John Blackamore, James Fowler, John Macmurtry, John Shoeley, John Galloway and Isaac Lasovour, who were killed in the defence and settlement of the said county of Davidson, shall each and every one of them be entitled to receive from the Governor for the time being a grant for six hundred and forty acres of land, without being obliged to pay any price for the same: Provided, That every person receiving such grant shall pay the surveyors and other fees of office.

II. And be it further Enacted by the authority aforesaid, That Christopher Gais, senior, Christopher Gais, junior, Jonathan Gais, Kasper Bocher, Richard Breeze, Phines Cocke, Mark Nobles, John Kitts, Isaac Mayfield, Samuel Hollis, Isaac Rounsevall, Eneas Thomas, Joshua Thomas, Caleb Winters, John Buchanan, senior, John Kennedy, junior, John Castello, Robert Thomson and Samson Williams, shall each and every one of them be entitled to enter with the entry-taker of Davidson county six hundred and forty acres of land, without being obliged to pay any price for the same, except surveyors' and others fees of office, which they and each of them may locate on any vacant land in the said county, the lands laid out for the officers and soldiers excepted; and the Governor is hereby authorized and required to make such grant in the same manner to each and every of the before-named persons as if they had paid the full price of ten pounds per hundred acres.

III. And lest disputes may arise by two or more pre-emption rights being located on the entry-taker's books of Davidson county for the same place, Be it further Enacted by the authority aforesaid, That in such case the person in whose name such entry be first made shall have the preference, and a grant shall pass to him for the same; and the person or persons in whose name any other entry or entries shall be made and located to the same place may, and it shall be lawful for them to locate the same on any other vacant lands; any law, usage, or custom to the contrary notwithstanding.

CHAPTER LIX.

An Act to Alter the Place of Holding the County Court in Pasquotank County from Winfield to the Town of Nixonton in the Said County, and to Erect a New Court House, Prison, Pillory and Stocks in the Said County.

I. Whereas, it is found that the situation of the court house in Pasquotank county is inconvenient to the greatest part of the inhabitants, which, together with the ruinous condition of the prison and the want of proper accommodations for persons obliged to attend on court and other public business at the place where the court house now stands, renders it necessary to alter the place of holding the courts to the town of Nixonton;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Abraham Symons, Ambrose Knox, Devotion Davis, Joseph Stokeley and Benjamin White are hereby appointed commissioners to erect a court house, prison, pillory and stocks for the use of the said county; and they, or a majority of them, to agree with workmen to build and finish the same at the

town of Nixonton, in the said county; and if one or more of the said commissioners should remove from the said county, or die, then the survivor or suvivors shall elect and chuse another or other commissioners to act in his or their stead.

III. And be it further Enacted by the authority aforesaid, That the said commissioners are hereby impowered to receive all subscription money now collected or to be collected for building a court house for the use of the said county at the town of Nixonton, of thirty-five feet by twenty-five, and sufficient and completely to finish the same; and not to proceed in the fulfilling this Act till an ample sum is vested in their possession for the purpose of building the said court house.

IV. And be it further Enacted by the authority aforesaid, That so soon as the said court house, prison, pillory and stocks shall be erected and finished, the justices of the said county shall, and are hereby directed and required to adjourn the said court, by their order, from the place where the same is now held at Winfield to the court house so to be erected and built at the town of Nixonton by virtue of this Act; and all suits, actions, plaints, pleas, and other matters and things before the said court then depending and undetermined shall stand adjourned and continued accordingly; and all and every person and persons having day in the said court, and all witnesses shall be bound and obliged to appear at the same according to such adjournment.

V. And be it further Enacted by the authority aforesaid, That the said commissioners, or any two of them, are hereby impowered to purchase of the commissioners of the said town four lots of land within the said town, for the purpose of erecting buildings thereon, to hold to them the said commissioners and their heirs in fee simple, to the use of the said county for the purpose aforesaid.

VI. And be it further Enacted by the authority aforesaid, That the justices of the said county are hereby authorized and impowered to levy a tax of one shilling on each and every hundred pounds taxable property within the said county, and the sum of one shilling on each person not taxed by his property; which tax shall be collected by the sheriff and by him accounted for to the justices of the said county, for which he shall be allowed five per cent.

VII. And be it further Enacted by the authority aforesaid, That the said justices are hereby impowered to sell all the materials of the old court house and prison, which together with the aforesaid tax to be applied to the building and finishing of said prison, pillory and stocks; and on the completion of the said buildings, if there shall remain any overplus of money in their hands, to pay the same to the justices of the said county, and by them to be applied towards the payment of the contingent charges of the said county.

VIII. And be it further Enacted by the authority aforesaid, That all and every Act and Acts, clause or article heretofore made, for anything within the purview of this Act is, and are hereby repealed and made void.

CHAPTER LX.

An Act for Impowering the Court of Brunswick County to Adjourn to the Place Which They Shall Think Most Convenient for Holding the Same.

I. Whereas, by an Act of the General Assembly passed in the year of our Lord one thousand seven hundred and seventy-nine, the place for holding

the courts of said county was altered from the town of Brunswick to the plantation of John Bell at Lockwood's Folly, and a tax laid upon the inhabitants of the county for paying the expences of erecting a court house, prison and stocks thereon, which by the depreciation of the currency was totally inadequate, and it being inconvenient and disagreeable to Robert Bell, the present possessor of the said land, to have the court held at his house;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said court be impowered, and they are hereby authorized to adjourn to any convenient house not more than two miles distant from Lockwood's Folly bridge, until the necessary public buildings of the said county can be erected.

III. And be it further Enacted by the authority aforesaid, That William Gauze, Samuel Leonard, Lewis Dupree, Jacob Leonard and Henry Walters, be and are hereby appointed commissioners for agreeing with and imploying proper workmen to build a good and substantial court house, prison and stocks for the use of the said county, and that they be and are hereby impowered to purchase five acres of land where they or a majority of them shall think most convenient within the distance above described; and that in case of the death, removal or refusing to act of any of the aforesaid commissioners, that the remaining commissioners, or a majority of them, shall have power to appoint others to act in their stead.

IV. And be it further Enacted by the authority aforesaid, That a tax not exceeding the sum of one shilling on every hundred pounds value of taxable property in the said county, and the like sum on every person liable to pay tax in the said county who is not possessed of one hundred pounds value, may be laid by the county court, to be paid annually for the term of two years, and to be collected by the county collectors at the same time and in the same manner that the public tax shall be collected, and shall be by them paid into the hands of the commissioners or either of them, who shall be accountable to the county court of Brunswick for the sums which they shall have received, and the balance, if any, after compleating the aforesaid buildings, shall be applied towards defraying the county charges.

V. And be it further Enacted by the authority aforesaid, That so much of an Act of the General Assembly of this State, intituled, An Act for erecting a court house, prison and stocks in Brunswick county, and other purposes, as comes within the purview of this Act, be hereby repealed and declared void and of no effect to all intents and purposes whatsoever.

CHAPTER LXI.

An Act for Laying a Tax in the County of Northampton for Repairing the Public Buildings Thereof, and to Appoint and Impower Commissioners for that Purpose.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a tax of one shilling be laid on each and every hundred pounds value of taxable property within the county of Northampton for one year, to be collected by the persons appointed to collect the public taxes therein, and to be accounted for in the same manner and under the same restrictions as other public taxes are; which said taxes when collected shall be paid into the hands of the commissioners hereinafter mentioned, for the purpose of making such repairs as may be deemed necessary on the buildings aforesaid.

II. And be it also Enacted by the authority aforesaid, That Allen Jones, Howell Edmonds and Samuel Lockhart shall be, and they are hereby appointed commissioners; and they, or a majority of them, are hereby impowered and authorized to contract and agree with workmen for repairing the said public buildings in the county of Northampton aforesaid; and they, or a majority of them, are hereby authorised and impowered to sell and dispose of the lands whereon the public buildings now stand, and to execute a deed or deeds for that purpose; and also to contract for one or more acres of land to remove the buildings upon, which may be more convenient than the present situation: Provided, That the land so purchased shall be within one-eighth of a mile of the place where the court house now stands; and the commissioners aforesaid are hereby required and authorized to receive a deed or deeds, conveying the lands so purchased by them to the justices of the said county, and their successors in trust for the county aforesaid.

III. And be it further Enacted by the authority aforesaid, That in case there shall remain in the hands of the commissioners aforesaid any of the above monies, the same shall be paid into the hands of the justices of the said county of Northampton, to be by them applied towards defraying the contingent charges of the said county.

IV. And be it also Enacted by the authority aforesaid, That the commissioners appointed by this Act, or such of them as shall agree to act in the premises, shall give bond with sufficient security, in the sum of five hundred pounds current money for the faithful discharge of the trust reposed in them by this Act, payable to the Governor for the time being, and his successors in office; which bond shall be lodged in the office of the clerk of the county.

CHAPTER LXII.

An Act to Impower the Executors of John Bowman, Deceased, to Pay Into the Hands of the Treasury Such Sums of Money as He Received for the Public as Sheriff for Burke County, Without Depreciation.

I. Whereas, John Bowman, deceased, in his life time was appointed sheriff of Burke county, by virtue of which appointment he acted as sheriff of the said county, and collected a part of the tax thereof in the year one thousand seven hundrel and seventy-nine; and as the said John Bowman fell in the service of his country at the battle fought at Ramsower's in June, one thousand seven hundred and eighty, who did leave in the hands of his executors the money he had collected for the public before his death, which money still remains in the hands of his executors unaccounted for to the public;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the treasurer of the district of Morgan be, and is hereby directed to receive of the executors of the said Bowman, deceased, all such sums of money by them received as aforesaid, they first making oath before some justice of said county that they believe it to be the identical money collected for the public by the said Bowman, and that they have not speculated on the said monies to the use or advantage of themselves, or the heirs of the said John Bowman, deceased; and upon such oath made by the executors as aforesaid, the treasurer for the district of Morgan shall give them a receipt for such monies as they may have in their hands collected by the

said John Bowman as aforesaid, which receipt shall be as good and valid in law as if the said John Bowman had actually paid the said money into the hands of the treasurer before his death.

III. And be it further Enacted by the authority aforesaid, That the collectors for the county of Burke for this present year shall have full power and authority to collect all the monies that still remain due to the public, either in the county of Burke, or in that part of Lincoln county that was taken off Burke county and added to Lincoln county, and to levy distress for the same, and account according to the scale of depreciation established by law, computed from the time that such taxes became due, in the same manner as the said John Bowman might or could have done before his death.

CHAPTER LXIII.

An Act to Encourage Enoch Ward, Spyers Singleton, Christopher Neale and Company, to cut a Canal from Club Foot's Creek to Harlow's Creek.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That if the said Enoch Ward, Spyers Singleton, Christopher Neale and Company, do or shall within the term of seven years from the passing this Act cut, or cause to be cut, a canal from Club Foot's Creek to Harlow's Creek, the same shall be vested in the said Enoch Ward, Spyers Singleton, Christopher Neale, their heirs and assigns; and it shall and may be lawful for the said Enoch Ward, Spyers Singleton, Christopher Neale and Company, their heirs and assigns, to exact and levy a toll on all boats and vessels that shall pass through the same, at such rate and proportion as to them shall seem best: Provided, The said toll shall by the said Enoch Ward, Spyers Singleton, Christopher Neale and Company, their heirs and assigns, be levyed every year between the first and tenth days in January, and advertised at the respective entrances into the said canal.

II. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the public to take the said canal when cut into their hands, upon paying to the said Enoch Ward, Spyers Singleton, Christopher Neale and Company, their heirs and assigns, double the cost and charges of cutting the same, together with lawful interest on the said cost and charges.

CHAPTER LXIV.

An Act Vesting in James Williams, his heirs, executors, administrators and Assigns, the Property of the Toll-Bridge, Known by the Name of McCraney's Bridge, on the Lower Little River in Cumberland County.

I. Whereas, the bridge over the lower Little River in Cumberland county, at the place known by the name of McCraney's Bridge, now the property of James Williams, has by experience been found very convenient for travellers, and the said James Williams being desirous of keeping the said bridge in good repair at his own expence, on condition of having the benefits therof for the space of twenty-five years;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the said James Williams, his heirs, executors,

administrators or assigns, to repair in the most substantial manner the bridge aforesaid; and after such repairs are compleatly finished, it shall and may be lawful for the said James Williams, his heirs, executors, administrators or assigns, to keep a sufficient gate thereon, and take and receive from all persons that pass over the same the following rates, that is to say: For every man and horse four pence, for every horse and chair one shilling, for every four wheeled riding carriage, including the horses drawing the same, two shillings, for every cart one shilling, for every waggon two shillings, for every led horse or ox three pence, for every head of neat cattle one penny, for every head of hogs or sheep one-half penny. Provided nevertheless, That no toll shall be demanded or received from any person when attending general or private musters, the annual elections, nor from the members of the General Assembly when on public business.

CHAPTER LXV.

An Act to Authorise Theophilus Evans to Receive Toll at Rock Fish Bridge, By Him Built in Bladen County.

I. Whereas, it is represented to this General Assembly that Theophilus Evans, at a very considerable expence, hath built a beneficial and useful bridge on his own land across Rockfish Creek in Bladen county, convenient for the great road leading from Fayetteville to Wilmington to cross the same; and whereas it is just and right that the said Theophilus Evans should be authorised to take a reasonable toll for a limited time, as a recompence for his trouble and the cost of building the said bridge, and keeping the same in good repair;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the said Theophilus Evans, his heirs and assigns, for fifteen years next after passing this Act, to demand and receive toll at the said bridge for all wheel-carriages, men, horses and cattle that shall pass the same; and to put up a gate and lock thereon to compel the payment thereof; and the said Theophilus Evans, his heirs and assigns, shall be regulated at all times by the county court in respect to the sums he or they shall demand and receive as aforesaid.

CHAPTER LXVI.

An Act to Encourage Enoch Sawyer to make a road through Pasquotank River Swamp Opposite to His Plantation.

I. Whereas, a road through Pasquotank River Swamp opposite to Sawyer's ferry would be of great advantage to travellers crossing Pasquotank River; and Enoch Sawyer having agreed to make it at his own expence, on condition of having the benefit thereof for the term of twenty-five years;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the said Enoch Sawyer to make a good and sufficient road or causeway through the said swamp opposite to the said ferry, which shall be at least twenty feet wide, and one foot high above common tides; and after making the said road as aforesaid, it shall and may be lawful for the said Enoch Sawyer, his heirs, executors, administrators and assigns, to take and receive from all persons that shall pass

through the same and cross his ferry, the following rates and no more, that is to say: For every person six pence, for every horse six pence, for every carriage of two wheels one shilling, for every carriage of four wheels two shillings, for every head of neat cattle four pence, for every hog or sheep one penny, for and during the term of twenty-five years and no longer.

III. And be it further Enacted by the authority aforesaid, That if any person or persons shall for fee or reward, contrary to the intent of this Act, transport or carry any person or persons, their horses, carriages or effects, over the said ferry, such person or persons so offending shall for every offence forfeit and pay the sum of twenty shillings, to be recovered by warrant before any justice of the peace, to be paid one-half to the informer, the other half to the said Enoch Sawyer, his heirs or assigns.

IV. And be it further Enacted by the authority aforesaid, That the said Enoch Sawyer, his executors, administrators, and assigns, shall provide good and sufficient boats or other craft for the transporting travellers and their effects; and shall keep the same, as also the said road or causeway in good and sufficient repair during the said term, under the penalty of five pounds specie for every neglect, one-half to the informer, the other half towards lessening the county tax, to be recovered in manner aforesaid.

CHAPTER LXVII.

An Act to Encourage Benjamin Smith to Repair and Complete the Bridges and Causeways Through the Great Island Opposite Wilmington.

I. Whereas, it appears that the encouragement formerly granted to William Dry, Esquire, for making a public road through the Great Island opposite to the borough of Wilmington was totally inadequate to the purpose intended; and the inferior court of Brunswick county have unanimously raised the rates of ferriage to and from the before-mentioned island, and recommended to the Legislature "To grant unto the proprietor of said ferries such encouragement by law as may be necessary to finish a very laborious undertaking, which will be attended with great public utility;"

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Benjamin Smith, his heirs, executors, administrators, or assigns, shall within three years from the passing of this Act finish and complete a good and sufficient road through the said island, sixteen feet wide upon the surface, and two feet above high water mark at spring tides; the ditches on each side to be not less than eight feet wide, sufficiently clear to admit the free course of water for draining the causeway, and the inside of the ditches not to be less than fifteen feet from the outside of the causeway; also to make bridges agreeable to law over all the creeks that the said road shall cross, under the penalty of five hundred pounds, to be recovered by action of debt in any court of record having cognizance thereof, the one-half to the person suing for the same, the other to be applied towards lessening the county tax.

III. And for the good encouragement of said Benjamin Smith to finish completely the road above mentioned, in the best and most permanent method, Be it further Enacted by the authority aforesaid, That in consideration thereof, he, the said Benjamin Smith, his heirs and assigns, shall and may hereafter receive for transporting passengers, their horses and effects over the Northwest and Northeast Rivers, and Middle Creek, the following rates: For every foot passenger one shilling, for every single

horse one shilling, for every single man and horse two shillings, for every wheel carriage nine pence per wheel, for every head of neat cattle six pence, for every head of sheep or hogs three pence, and for going over one of the said rivers half the said rates.

IV. And as a further encouragement to the said Benjamin Smith to cut, make, finish and keep the said ditches, road and bridges in constant repair, Be it Enacted by the authority aforesaid, That it shall and may be lawful for the said Benjamin Smith, his heirs and assigns, to be exempt from working his slaves on any other public roads in this State for the term of one year.

V. And be it further Enacted by the authority aforesaid, That the said Benjamin Smith, his heirs or assigns, shall from time to time after the said road and bridges are completely finished, forever thereafter, at his or their expence, keep the said road and bridges in sufficient and constant repair; and in case the said Benjamin Smith, his heirs, executors, administrators or assigns, shall fail or neglect so to do, he or they shall be liable to the same pains and penalties for such failure or neglect as the overseers of any public road are liable to by virtue of any Act or Acts of Assembly of this State.

VI. And be it further Enacted by the authority aforesaid, That if any person or persons shall for fee or reward, contrary to the intent and meaning of this Act, transport, or carry any person or persons, their horses, carriages or effects, over either of the branches of Cape Fear River, in order to his or their passing through or over the said island, such person or persons so offending shall for each and every offence forfeit and pay the sum of five pounds, to be recovered by a warrant from any justice of the peace, one-half to the informer, and the other half to the said Benjamin Smith, his heirs, executors, administrators or assigns.

VII. And be it further Enacted by the authority aforesaid, That the said Benjamin Smith, his heirs, executors, administrators, or assigns, shall provide good and sufficient boats and other proper crafts for transporting all travellers, their horses, carriages and effects; and forever hereafter shall keep the same in sufficient and constant repair, and well and properly attend, under the same pains and penalties for such failure or neglect as the keepers of any public ferries are liable to by virtue of any Act or Acts of Assembly of this State, one-half to the person suing for the same, and the other half to be applied towards lessening the county tax, to be recovered in any court of record within the counties of Brunswick or New Hanover, wherein the same is cognizable.

VIII. And be it further Enacted by the authority aforesaid, That all and every other Act and Acts heretofore made, or so much thereof as comes within the purview of this Act and are contrary thereto be, and are hereby repealed, made void and of none effect.

CHAPTER LXVIII.

An Act for Appointing a Public Printer, and Directing His Duty in Office.

I. Whereas, it is necessary that the Acts and journals of the Legislature be printed and published as soon as possible;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Thomas Davis be, and he is hereby appointed public printer for and during

the term of one year, to commence with the present session of the Assembly.

III. And be it further Enacted by the authority aforesaid, That the said Davis shall within four months from the receipt of the original bills at his office, print and transmit one fair copy of the Acts and journals of each and every session of Assembly to his Excellency the Governor, and one fair copy of the said Acts and journals for each of the members of the General Assembly, and also one fair copy for the clerks of each house of the Assembly, one fair copy of the Acts of each session for the secretary, one for each of the judges of the Superior Courts, one for the Attorney-General, and one for each of the clerks of the Superior and County Courts, and one for each of the justices in the respective counties in this State.

IV. And be it further Enacted by the authority aforesaid, That if the said Superior Court clerks or any of them shall refuse to receive when rendered to them, or neglect to deliver out the said laws when demanded at his office by order from the clerks of the county courts, he or they so offending shall forfeit and pay the sum of fifty pounds current money, to be recovered by action of debt in any court of record having cognizance thereof by any person who may sue for the same.

V. And be it further Enacted by the authority aforesaid, That the said printer shall as soon as may be after the expiration of four months from the receipt of the said bills at his office transmit to each of the delegates of this State in Congress one fair copy of the said Acts and journals.

VI. And be it further Enacted by the authority aforesaid, That the said Thomas Davis, for and in consideration of such services, shall be allowed the sum of five hundred pounds: Provided there shall be another session of the General Assembly in the present year; but if there shall not be another session, then that the said Thomas Davis for the services aforementioned shall be allowed the sum of four hundred pounds current money and no more.

VII. And be it further Enacted by the authority aforesaid, That if the said Thomas Davis shall refuse or neglect to print the laws and journals as by this Act directed, then and in such cases his Excellency the Governor shall and may employ another printer to perform the said services, and such printer shall on so doing be entitled to the allowance provided by this Act.

VIII. And be it further Enacted by the authority aforesaid, That the said Thomas Davis, as often as necessary, do on the requisition of the Governor, print all proclamations and other public Acts of government in consideration of the above allowance.

CHAPTER LXIX.

An Act to Enable Mary Dowd to Sue for and Recover to Her Own Use and the Use of Her Children by Her Husband, Conner Dowd, All Debts Due and Owing to the Said Conner, and All Other Things in Action Which the Said Conner Dowd Might Lawfully Sue for and Recover Were He a Citizen of This State, and Entitled to the Benfits of Its Laws.

I. Whereas, Conner Dowd, the husband of Mary Dowd, hath attached himself in the cause of the late war to the British forces, whereby his property became forfeited to this State, but the court of the county of Chatham in which county the said property chiefly lay was returned to and allotted for the maintainance of the said Mary and her and his children, together with

all debts and other things due and owing to the said Conner previous to the said forfeiture, but the said Mary, inasmuch as her husband is in full life, is disqualified to maintain suits for the recovery thereof;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the distribution and allotment of the property above-mentioned by the county court of Chatham to and for the use of the said Mary and her children as above mentioned shall be, and the same is hereby confirmed and established, and shall remain valid and indefeasible in law; and the said Mary shall be, and she is hereby enabled in her own name, and to and for her own use and the use of the children aforesaid, to sue for and recover all debts and other things in action whatsoever which to the said Conner belonged or which he was entitled to, or might have brought action for and have recovered previous to those acts of rebellion, or nonconformity to the laws of the State which were the causes of the said forfeiture; and the coverture of the said Mary shall not be pleaded or pleadable to any action commenced by her for or on account of any of the debts or things aforesaid, saving and reserving nevertheless to all and every person and persons whatsoever all and every action and right of action which they would have had respectively, had the said estate still remained in possession of the said Conner Dowd, in the same manner as if this Act had never been made: And it is hereby declared and Enacted, That any such action may be commenced by original attachment against the said Conner Dowd, in which the said Mary may be brought into court as a garnishee, or against her, the said Mary, in the first instance; any law or usage to the contrary notwithstanding.

CHAPTER LXX.

An Act for Enfranchising Ned Griffin, Late the Property of William Kitchen.

I. Whereas, Ned Griffin, late the property of William Kitchen, of Edgecomb county, was promised the full enjoyments of his liberty, on condition that he, the said Ned Griffin, should faithfully serve as a soldier in the continental line of this State for and during the term of twelve months; and whereas the said Ned Griffin did faithfully on his part perform the condition, and whereas it is just and reasonable that the said Ned Griffin should receive the reward promised for the services which he performed;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Ned Griffin, late the property of William Kitchen, shall forever hereafter be in every respect declared to be a freeman; and he shall be, and he is hereby enfranchised and forever delivered and discharged from the yoke of slavery; any law, usage or custom to the contrary thereof in anywise notwithstanding.

CHAPTER LXXI.

An Act to Vest in Nathaniel Allen and Others Certain Lands Therein Mentioned.

I. Whereas, Nathaniel Allen, Allen Jones, Nathaniel Jones, William Richardson Davie, Samuel Dickinson, James West Greene and James An-

derson, have requested proper public encouragement to drain the lake of Scupperlong in the county of Tyrrel;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all the lands lying below the present low water mark of the said lake of Scupperlong, which they, the said Nathaniel Allen, Allen Jones, Nathaniel Jones, William Richardson Davie, Samuel Dickinson, James West Green and James Anderson, their heirs or assigns, shall drain within the term of seven years is hereby given and granted to them, their heirs and assigns forever, to hold to them, their heirs and assigns respectively, as tenants in common, and not as join tenants.

III. And be it further Enacted by the authority aforesaid, That the lands by them so acquired in the lake of Scupperlong aforesaid, shall be exempt from the payment of taxes for the term of seven years above mentioned, saving, however and reserving to all manner of persons all legal claims whatsoever.

CHAPTER LXXII.

An Act to Amend An Act Passed in the Year One Thousand Seven Hundred and Eighty-three, Intituled, An Act to Vest Certain Lands in Fee Simple in Richard Henderson and Others.

I. Whereas, for reasons made known to and admitted by the General Assembly, the survey of the said lands could not be compleated within the time prescribed by the said Act;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Richard Henderson and Company shall have full power, right and authority to compleat the said survey according to the said Act of Assembly; and if compleated within the space of twelve months from the ratification of this Act, shall be as full and effectual to all intents and purposes as if compleated within the time prescribed by the said Act.

CHAPTER LXXIII.

An Act to Alter the Name of Frederick Totevine to Frederick Lane.

I. Whereas, Frederick, the son of Mary Totevine, late of Craven county, hath from the time of his nativity, been called and known by the name of Frederick Totevine, and for special reasons the said Frederick hath petitioned this Assembly and earnestly prayed that his name might be altered by a law from Totevine to Lane; and the reasons set forth in the said petition being judged sufficient;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the name of Frederick Totevine shall be altered to the name of Frederick Lane, and shall thenceforth be called and known by the name of Frederick Lane, and that by the said name of Frederick Lane he shall and may sue and be sued, plead and be impleaded in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase, or otherwise; and he may by the same name of Frederick Lane sell and dispose of lands and other property already or hereafter to be acquired, and finally

in all things the said Frederick shall be able and capable in law and equity of negociating and transacting all manner of business by the name of Frederick Lane, in as full and ample a manner as if he had been called and known by no other name from the time of his nativity; any law, usage or custom to the contrary notwithstanding.

CHAPTER LXXIV.

An Act for altering the names of Joshua Taylor, Moses Taylor, Aaron Taylor, Mark Taylor, and William Taylor, to that of Joshua Suggs, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg.

I. Whereas, it is the earnest request of Moses Sugg, the natural father of the said Joshua, Moses, Aaron, Mark, and William, that they should assume his surname;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the ratification of this Act the names of the said Joshua Taylor, Moses Taylor, Aaron Taylor, Mark Taylor, and William Taylor, shall be altered to the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg; and they shall henceforth be called and known by the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg; and that all and every devise, bequest, legacy, grant, deed, bill, promissory note, or other writing or assumption, of or from any person or persons whatsoever, heretofore made, granted, or done to the said Joshua, Moses, Aaron, Mark and William, by the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg and William Sugg shall be good and valid in law to all intents and purposes; and that by the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg and William Sugg they shall be, and hereby are jointly and severally and respectively enabled to take, receive, have, possess and enjoy any and every devise, bequest, legacy, Estate, right, title, interest and property of, in and to any lands, tenements, hereditaments, goods, monies, profits, sum or sums of money, credits or chattels whatever, which shall or may be given, granted, assigned, conveyed, or made payable to him or them by the said names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg, in and by virtue of any last will or testament, deed, bill of sale, conveyance, bond, obligation, bill, promissory note, or other writing or assumption of, or from any person or persons whatsoever; and that by the names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg, he or they shall and may sue, and be sued and impleaded in any action or suit, as well in law as in equity or otherwise, and may therein plead, answer and defend, in full and ample manner, to all intents and purposes; and that by the said names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg, he or they shall and may from the ratification of this Act in all things whatever, be subject to the same restrictions, and intitled to the same privileges, benefits and emoluments, as if he or they had from the time of his or their nativity hitherto been lawfully called and known by the said names of Joshua Sugg, Moses Sugg, Aaron Sugg, Mark Sugg, and William Sugg.

CHAPTER LXXV.

An Act for dividing Duplin County.

I. Whereas by reason of the large extent of said county, it is greatly inconvenient for the inhabitants to attend the courts and other public duties by law required;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the said county of Duplin shall be divided into two distinct counties by a line beginning on the line that divides Duplin from New Hanover county where the main road crosses Bultail, a branch of Rockfish creek; and running thence a straight line to the lower bridge on Stewart's creek, from thence a direct line to Goshen swamp at the mouth of Young's swamp, thence due-north to the Wayne line; and all that part of the said county of Duplin which lies west of the above line, shall be established into a separate and distinct county by the name of Sampson.

III. And be it further Enacted by the authority aforesaid, That Joseph Dickson, William Dickson, David Dodd, Edward Dickson and William Taylor, or a majority of them, be and they are hereby appointed commissioners to run and lay off the said dividing line between the said county of Duplin and Sampson, and the same shall be recorded in the courts of said counties.

IV. And for the due administration of justice, Be it further Enacted by the authority aforesaid, That justices of the peace shall be nominated and commissioned, and courts shall be held in the said county of Sampson in the same manner and with the same jurisdiction as justices in other courts have and exercise, and that the courts of the said county of Sampson shall be held on the third Monday of June, September, December and March in every year; and the courts of the said county of Duplin shall be held by the justices thereof on the third Mondays of January, April, July and October in each and every year.

V. And be it further Enacted by the authority aforesaid, That Thomas Hooks, John Whitehead, William Hubbard, Robert Southerland, Daniel Teachey, John Lanier, Edward Dickson and Daniel Hicks, or a majority of them, be and they are hereby appointed commissioners for fixing on the most centrical and convenient place in Duplin county for building a court house, prison and stocks, and for purchasing a quantity of land not exceeding five acres at such place and for the use and benefit of said county; and when the said place is fixed upon, and the said lands purchased, the said commissioners or a majority of them shall, and they are hereby impowered to contract with workmen for building and finishing thereat a court house, prison and stocks, and to take a deed or mesne conveyance for said land for the use of the county.

VI. And be it further Enacted by the authority aforesaid, That if any of the said commissioners appointed by this Act die, remove or refuse to act, it shall and may be lawful for the remaining commissioners to appoint another person in his stead, who shall and may use and exercise the same power and authority as the commissioners appointed by this Act.

VII. And as it will be a considerabl time before the said buildings can be compleated, Be it Enacted by the authority aforesaid, That the first court to be held for the county of Sampson shall be held at the house of James Myhand, and the justices when met and formed a court, shall either continue to hold their subsequent courts at the said house until the court house

shall be built, or shall have power to adjourn to any place more convenient in the said county, they having first duly qualified themselves by the oaths prescribed by law in such cases, and the said justices being so qualified, are hereby declared during their continuance in office, as well within their county courts as without, to have the same powers and authorities, and to be subject to the same forfeitures and penalties as justices of the peace in this State are liable to.

VIII. And be it further Enacted by the authority aforesaid, That Richard Herring, Thomas Thornton, John Fort, John Owens, John Holley, Jonathan Parker and Thomas Ivey, be, and they or a majority of them are hereby appointed commissioners to fix on a centrical and convenient place to erect the public buildings in the said county of Sampson, and purchase five acres of land, and take a deed for the same as is directed for the county of Duplin, and to agree with a workman to build a court house, prison and stocks for the use of the said county of Sampson.

IX. And be it further Enacted by the authority aforesaid, That the first court of the said county of Duplin shall be held at the public store of James James's, and the justices thereof may when met either continue to hold the courts there or adjourn to a more convenient place as they may judge best, and have, hold and exercise all the powers and authorities that county courts in this State hold or enjoy; and that all causes, pleas and suits, and every species of controversy and litigation whatsoever now in the county court of Duplin, shall continue and be finally determined in the court of the said county of Duplin.

X. And be it further Enacted by the authority aforesaid, That a tax of one shilling specie be laid on every hundred pounds taxable property, and a tax of one shilling on every poll within the said counties of Duplin and Sampson who do not possess one hundred pounds taxable property for two years, for the purpose of defraying the expenses and purchasing said lands, erecting the public buildings thereon, and reimbursing the said commissioners what reasonable expences they may be at in the premises, which said taxes shall be collected in the same mannr as other taxes are, and shall be paid into the hands of the commissioners for building the court house, &c. for the counties of Duplin and Sampson, the collector or collectors first deducting his or their commissions for the trouble of collecting and paying the same to the commissioners; in case there shall remain any surplus after defraying the expences aforesaid, the same shall be applied by the county courts towards defraying the contingent charges of the same.

XI. And be it further Enacted by the authority, That the said commissioners shall from time to time when called on by their county court account for the monies by them received for the purposes aforesaid; and when the buildings shall be compleated and other expences paid, their said county courts on settlement with them may make a reasonable allowance for their trouble and expence, and apply the surplus if any as before directed.

XII. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be construed to stop or hinder the sheriff or collectors of Duplin, as the same stood undivided, to make distress for fees or other dues which may be owing from the inhabitants of said county at the time of passing this Act, in the same manner as if it had never been made.

XIII. And be it further Enacted by the authority aforesaid, That the said county of Sampson shall be and remain part of the district of Wilmington, and shall furnish four freeholders to attend the superior court as Jurors at Wilmington aforesaid; and the said county of Duplin shall after the pass-

ing of this Act nominate and appoint four jurymen to attend the said superior court of Wilmington.

CHAPTER LXXVI.

An Act for Dividing Cumberland County Into Two Distinct Counties.

I. Whereas the county of Cumberland is so extensive that it is extremely inconvenient for the inhabitants to attend courts and public meetings,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the fourth day of July next, the county of Cumberland shall be divided into two distinct counties, by a line beginning at Cole's bridge on Drowning creek, thence a direct line to the corner of Wake and Johnston counties in Cumberland line, and all that part of Cumberland lying to the north-west of the new line, shall be a separate and distinct county by the name of Moore county.

III. And be it further Enacted by the authority aforesaid, That the lower part of Cumberland county laying south east of said line, shall be a separate and distinct county, and known by the name of Fayette county.

IV. And be it also Enacted by the authority aforesaid, That nothing herein contained shall be construed to deter the sheriff and collectors of taxes, or other officers, or any of them in the said county of Cumberland as it stood undivided from levying any executions, or making distress for any taxes, fees, or other duties, that may be due from the inhabitants thereof, on or before the fourth day of July next, in the same manner as if this Act had never been made; any thing herein contained to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That the courts for the county of Fayette be held at the place where the courts of Cumberland county are at present established, on the fourth Mondays in January, April, July, and October in every year: And that the courts for the county of Moore hereafter shall be held at such place, within the said county, as the commissioners herein after-named shall appoint, on the fourth Mondays in February, May, August, and November in every year; and that all causes, pleas, writs, actions, suits, plaints, process, precepts, recognizances, and other matters and things in the said court of Cumberland depending, from and immediately after the first day of August next, shall stand adjourned and continued from the present court house of the said county to such place as the said commissioners, or a majority of them, shall direct and appoint as aforesaid; and all appearances and returns which shall be to be made on the days appointed by law for holding the said court of Cumberland, shall hereafter be made to the first court that shall be held for that county wherein the cause of action arose, and all suitors and witnesses bound to appear thereat, in the same manner as if the said court had not been removed from the present court house; any law, usage, or custom to the contrary notwithstanding.

VI. And be it further Enacted by the authority aforesaid, That Thomas Matthews, John Robertson, Willis Dikerson, Philip Alston, and John Jackson, or the majority of them, shall be, and are hereby appointed commissioners, and impowered and directed to agree with workmen for erecting and building a court house, prison, and stocks, for the use of said county of Moore, and for purchasing materials for that purpose; and for enabling the said commissioners to defray the expence of said buildings, a tax of

one shilling on every hundred pounds of taxable property within the said county of Moore, as the same is established by this Act; and an equal sum on every unmarried man not possessed of the value of one hundred pounds shall be levied and collected, in the same mannr as public taxes are or shall be levied and collected; and all persons who shall refuse or neglect to pay the taxes by this Act imposed upon them, at the time and in the manner which is or shall be appointed by law for the payment of public taxes, shall be liable to distress and sale of their property, in the same manner as for non-payment of public taxes: And it is further declared, That the said tax shall be collected by the officer or officers who is or may be appointed to collect the public tax; and such officer or officers shall give security to the said commissioners for the faithful discharge of his or their duty; and shall be intitled to the same commissions, and liable to the same penalties, restrictions, process and remedy for enforcing the payment thereof, as by law may be had against collectors or receivers of public monies.

VII. And be it further Enacted by the authority aforesaid, That the county courts of Moore and Fayette shall nominate the following number of freeholders to serve as jurors in the superior court for the district of Wilmington, of which district the said counties are hereby declared to be part, that is to say: For the county of Moore four, and for the county of Fayette four; any law or statute to the contrary notwithstanding.

VIII. And be it further Enacted by the authority aforesaid, That for running the dividing line, Thomas Matthews and Ica Adkins, be, and they are hereby appointed commissioners, and impowered to lay off, run and make the said dividing line, agreeable to the directions of this Act; which said line when run by the commissioners herein named, shall be by them entered of record in the courts of the counties of which the said line is to be boundary; and shall hereafter be deemed the dividing line between the said counties.

CHAPTER LXXVII.

An Act to amend an Act, intitueld, An Act to amend an Act, intituled, An Act for dividing Tryon County, and other purposes.

I. Whereas it has been represented to the General Assembly that the place agreed on by the commissioners in the Act aforesaid for the purpose of building a court house, prison and stocks for the county of Rutherford, is not only very inconvenient to many of the inhabitants of the said county, but unfit in every respect for the purposes thereby intended;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Phelix Walker, James Whitesides, Alexander M'Donald, William Nevel, and William M'Murray, be and they are hereby appointed commissioners for surveying the said county, and invested with full power and authority to purchase fifty acres of land as near the centre of the same as is practicable, for the purpose of building the court house, prison and stocks thereon for the county aforesaid.

III. And be it further Enacted by the authority aforesaid, That the commissioners by this Act appointed are hereby invested with all the other powers and authorities with which the commissioners were invested by an Act for dividing the county of Tryon, and to lay out and settle the place where to erect the court house, prison and stocks.

IV. And be it further Enacted by the authority aforesaid, That so much

of an Act, intituled, An Act to amend an Act, intituled, An Act for dividing Tryon county, and other purposes, as comes within the purview and meaning of this Act, be and the same is hereby repealed and made void.

CHAPTER LXXVIII.

An Act for altering the line between the Counties of Lincoln and Burke, and appointing Commissioners to fix on a convenient place in the said County of Lincoln to erect the Public Buildings of the said County.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the boundary line between the counties of Burke and Lincoln shall hereafter be as follows, to wit: Beginning at the Horse Ford on Catawba river, running thence to John Hawnson Hendry river, thence to William Orrson Jacobs river, and thence to the intersection of the counties of Burke, Lincoln and Rutherford, as they now stand.

II. And be it further Enacted by the authority aforesaid, That so much of the county of Burke as shall by this alteration (by said boundary line) fall into the county of Lincoln, shall be subject in respect of its inhabitants to the distresses of the sheriffs of the said county of Burke for all arrears of public money by them due, in the same manner as if this Act had never been made.

III. And be it further Enacted by the authority aforesaid, That David Vance and John Crooth be and are herby appointed commissioners to run the said boundary line as above directed by this Act, for which service they shall be paid out of the county tax of Lincoln next collected after said service is done.

IV. And be it further Enacted by the authority aforesaid, That Joseph Dixon, John Crooth, John Wilson, Joseph Steel and Nicholas Friday, Esquires, or a majority of them, be and are hereby appointed commissioners to purchase one hundred acres of land in the most convenient place, and as near the centre of said county as may be; and the said commissioners, or a majority of them, are hereby impowered to agree with proper workmen to build a court house, prison and stocks on the said land by them so purchased for the use of the county of Lincoln.

V. And be it further Enacted by the authority aforesaid, That the said commissioners by this Act appointed, shall have full power and authority to call on all commissioners heretofore appointed by any former Act of Assembly (for the above purpose) for all monies they may have in their hands raised out of the said county of Lincoln, and the same be applied by the commissioners herein appointed to the use of erecting the public buildings as herein by this Act directed; and that the said commissioners as herein appointed previous to the excution of the trust reposed in them by this Act, shall enter into bonds with sufficient security for the faithful application of all monies by them so received, for the execution of the intent and meaning of this Act.

VI. And be it further Enacted by the authority aforesaid, That if there should be any surplus money remaining in the hands of the said commissioners after the said public buildings are compleated, it shall and may be lawful for the court of said county to call for and receive the same, to be by them applied in defraying the contingent charges of said county of Lincoln.

CHAPTER LXXIX.

An Act for extending the dividing line between the Counties of Edgcomb and Martin, and between the Counties of Martin and Pitt.

I. Whereas there is no established line between the counties aforesaid; and whereas disputes may arise respecting the same;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Isaac Sessums, Joseph Hart, Nathan Mayo, Joseph Cooper and Solomon Cherry, commissioners, or a majority of them, be and they are hereby authorized and impowered as soon as may be after the passing this Act to extend the dividing line between the counties aforesaid, beginning in the old line that formerly divided Edgecombe and Halifax at or near Benjamin Cotton's, running thence a direct course to the line that divides Martin and Pitt counties at or near Charles Council's.

III. And be it further Enacted by the authority aforesaid, That where any vacant lands may have been entered in either of the said counties (and not surveyed) over the said line, the same shall have preference according to the date of such entry, as fully as if it had been made in the county where the land shall appear to be.

IV. And be it further Enacted by the authority aforesaid, That the aforesaid commissioners shall within six months after running the said line make return thereof to each of their respective county courts, which shall be entered on record, and be held and deemed the dividing line between the counties aforesaid.

V. And be it further Enacted by the authority aforesaid, That the commissioners by this Act appointed, shall be allowed for their trouble and expence of running said line by the respective county courts.

CHAPTER LXXX.

An Act for Extending the Boundary Line Between the Counties of Currituck and Cambden, and for Allowing Surveyors Further Time to Make Their Returns.

I. Whereas there is no established boundary line between the said counties of Currituck and Camden; and whereas disputes may arise respecting the same,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the following shall hereafter be held and deemed the boundary line between the said counties, that is to say: Beginning at the head of North river where the same forks into two runs, thence a direct course to the middle of Lamb's toll-road or bridge, thence a direct course to the Virginia line, so as to divide that part of the Great Dismal Swamp, as nearly as may be between the said counties.

III. And be it further Enacted by the authority aforesaid, That the justices of the county courts of Currituck and Camden are hereby authorised and impowerd to appoint commissioners, not exceeding three in each copunty, for running the said boundary line, and shall pay the necessary expences attending the same out of their respective county taxes.

IV. And be it further Enacted by the authority aforesaid, That where any vacant lands may have been entered in either of the said counties over the said line, the same shall have preference according to the date of such entry as fully as though it had been made in the county where the land shall appear to be.

V. And whereas by reason of the great difficulty of making surveys in the swamps and low lands in this State, the surveyors in many counties have not made their returns agreeable to law, Be it further Enacted by the authority aforesaid, That the county surveyors shall be allowed a further time of twelve months from and after the passing this Act for making their returns; any law, usage, or custom to the contrary notwithstanding.

Read three times, and ratified in General Assembly, the Second Day of June, Anno Domini, one thousand seven hundred and eighty-four.

RICHARD CASWELL, S. S.
THOMAS BENBURY, S. C.

RESOLUTION AND REPORT OF COMMITTEE.

NORTH CAROLINA.

In the House of Commons, 2 June, 1784.

Resolved, That the report of the committee what tax is proper to be laid be printed with the laws, that the people at large may know the sum required for the civil list.

THOMAS BENBURY, S. C.

By order, J. HUNT, C. H. C.

In the Senate, 2 June, 1784.
Concurred with,

By order, J. HAYWOOD, Clk. RICHARD CASWELL, S. S.

The Committee on the tax bill report, That it will be necessary to raise the following sums for the support of the civil list for the year 1784:

For the Governor	£ 1,000
Governor's Secretary	200
Council of State	100
Secretary of State	175
Comptroller	800
First Clerk	250
Two other Clerks	300
The Judges, each £700	2,100
Attorney General	660
Three Delegates in Congress, including time for travelling	3,360
Seven Treasurers, each £100	700
Three extras, as hitherto allowed	700
Ten Boards of Auditors, supposed to sit sixty days in this year	2,400
Commissioners for settling the officers' and soldiers' accounts	120
Members of the Legislature, their Clerks and all expences	15,000
Stationary, &c., for the Comptroller's office	100
The Public Printer	500
	£28,465
Ten per cent. for collection and deficiencies on this sum	284 2
	£31,311 2

The committee further report, That it will be necessary to raise for sundry allowances granted this year the sum of eight thousand six hundred and eighty-eight pounds eighteen shillings, making in all, including the civil list, the sum of forty thousand pounds; to raise which sum, the committee recommend the following tax on lands and polls: On every hundred acres of land, two shillings, which, on nineteen million of acres, the supposed quantity in this State, will raise £19,000. On every poll, six shillings, which, allowing there are 80,000 polls, will raise £24,000. These two sums together, supposing no deficiencies and that the calculations are just, will be £3,000 more than the sum required, and will remain for the after appropriation of the Legislature.

The Committee further report, That it will be necessary to levy a like tax of forty-three thousand pounds, to form a sinking fund for the State Dollar bills, soldiers' bounty certificates, specie certificates, and currency certificates; and for this purpose they recommend a like tax of two shillings on every hundred acres of land, and six shillings on every poll.

The committee remark, That they have comprehended in their calculations, the property in towns, to be valued according to the method of assessment pointed out by Act of the present Legislature; but that there should not be any doubt on this head, they have been explicit in the amendment which they offer to the bill.

In the House of Commons, 2 June, 1784.
Read and Concurred with.
THOMAS BENBURY, S. C.

By order, J. HUNT, C. H. C.

In the Senate, 2 June, 1784.
Read and Concurred with.
RICHARD CASWELL, S. S.

By order, J. HAYWOOD, Clk.

LAWS OF NORTH CAROLINA, 1784.

At a General Assembly begun and held at New Bern on the Twenty Second of October, in the Year of our Lord One Thousand Seven Hundred and Eighty-Four, and in the Ninth Year of the Independence of the said State: Being the First Session of this Assembly. *Alexander Martin, Esq.*, Governor.

CHAPTER I.

An Act to ascertain the number of White and Black Inhabitants, and the Citizens of every Age and Condition in the State.

I. Whereas it is recommended by the United States in Congress assembled, that the number of white and black inhabitants, and free citizens of every age, sex and condition, including those bound to servitude for a term of years, and three-fifths of all other persons not comprehended in the foregoing description shall be taken in each State; and in order to comply with the above remommendation,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the several county courts in this State, shall within six months after the passing this Act, appoint a proper person in each captain's district to take a list of the number of white and black inhabitants and the free citizens of every age, sex and condition in each district, which list shall distinguish the number of blacks from the whites and other free inhabitants in the following manner:

White males from twenty one years old to sixty.	White males under twenty one years old and above sixty.	White females of every age.	Blacks of each sex from twelve to fifty.	Blacks upwards fifty and under twelve years old.

And the list by them so taken, shall be returned to the court which shall sit next after their appoinment, which list shall by the clerk of the court be immediately transmitted to the Governor, under the penalty of fifty pounds, to be recovered before any jurisdiction, having cognizance thereof, and applied to the use of the county, and by him sent to our delegates at Congress; and in failure of the appoinment aforesaid, by the several county courts within the time limited by this Act, the sheriffs of the several counties, are hereby required to summon three of the justices in the respective counties, who are hereby authorised to make the appointments aforesaid.

III. And be it further Enacted by the authority aforesaid, That if any person who shall be appointed to receive the lists, shall fail or neglect to do the duty by this Act appointed, he shall forfeit and pay the sum of one hundred pounds, to be recovered in any court of record having cognizance thereof, in the name of the Governor, for the use of the State; and if any master or mistress of a family, his or her agent, director, manager, or attorney, after due notice given by advertisemnt of the same at the most public place of the district, shall fail to give in a list of his or her family, as by

this Act required, he or she so failing or neglecting, shall forfeit and pay the sum of fifty pounds, to be recovered and applied as in the case last mentioned.

CHAPTER II.

An Act for the more regular Collecting Payment of, and accounting for the Public Taxes.

I. Whereas the mode heretofore directed by law for the collecting, payment and accounting for the public taxes, hath been found to be extremely irregular, inconvenient and expensive, and large sums remain unaccounted for. For remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all taxes by this assembly imposed, or hereafter to be imposed on the citizens of this State, shall be collected, paid and accounted for, in the manner and form following.

III. Provided nevertheless, that the tax for the year one thousand seven hundred and eighty-five, shall not be collected until the year one thousand seven hundred and eighty-six, any thing contained in this Act to the contrary notwithstanding.

On or before the first day of November, in every year, the clerks of the respective counties within this state, shall furnish the collectors of their counties with a list of the taxable property in their respective districts, as the same lists are directed to be made out by an act passed at Hillsborough on the ninth day of April, in the eighth year of the independence of this state, intituled "an act to amend an act, intituled "an act for ascertaining what property in this state shall be deemed taxable property, the method of assessing the same, and collecting public taxes:" and the collectors shall appoint the day and place in each district of said county, in the month of April, when and where he will attend for the purpose of receiving from the inhabitants of such district, the public tax required by law from each inhabitant thereof, agreeable to the list of taxable property furnished him as aforesaid; the said collector having caused eight days previous notice of the time, place, and cause of his attendance, to be given to the inhabitants of the said district, by advertising the same; and if any person or persons so notified, shall neglect, or refuse to pay, or cause to be paid, on the day appointed his part of the public taxes as assessed, it shall and may be lawful for the said collector to levy the same, by distress and sale of the goods and chattels of the persons so neglecting or refusing, and for every distress and sale so made, it shall and may be lawful for such collector, as fees of office, to levy therewith the sum of two shillings and eightpence. Provided always, That the said collector shall give ten days' previous notice of the public sale of the distress taken, and the amount of the tax thereon due, by advertisement at three of the most public places in and near the said district.

IV. And whereas a considerable portion of the public taxes for each year may be paid and discharged in certificates, and old dollar money of this state; and it frequently happens that many persons, when paying their public taxes cannot procure certificates to discharge any part thereof, whereby many sums are paid in money which are accounted for to the treasury in certificates, and old paper currency; to prevent which for the future, Be it Enacted by the authority aforesaid, That the several collectors

shall keep regular accounts of their respctive receipts, by inserting in different columns the money and certificates received from each person, and shall make return thereof, and pay the same, or money and certificates of the like kind, and in the same proportion as shall be received, to the sheriffs of their respective counties upon oath, which oath every sheriff is hereby directed and impowered to administer and every sheriff shall cause to be set up in the court house of his county, fair copies of such returns, there to remain for two succeeding terms, and the sheriffs shall pay into the treasury on oath to be administered by the treasurer, the several species of money and certificates, which they shall receive from the different collectors of their respective counties, and shall swear that the monies and certificates so paid, are the same, or of the like kind, and in the like proportion, with the monies and certificates received from the collectors of their respective counties.

V. Provided always, That when any collector or sheriff, shall have taken up and paid any warrant or warrants, such warrant or warrants shall be paid and received as so much money; any thing herein contained to the contrary notwithstanding.—And to prevent mistakes, the oath to be taken by the collectors and sheriffs shall be in the following form, to wit, "I, A. B. do swear that the return by me now made and exhibited, contains a just and true account of all the monies, certificates and dollar bills, by me received in payment of public taxes for the year, and that all monies and certificates by me now paid, bear an exact proportion to what I have received of each, reckoning the different warrants by me taken up as so much of the money by me received. So help me God."

VI. And be it Enacted by the authority aforesaid, That the collectors to be appointed by virtue of this Act, shall have and receive as commissions for collecting the public taxes, and paying the same, three pounds for every hundred pounds, and so in proportion for a greater or less sum, which they shall so receive and pay; and the commissions of collectors and sheriffs, shall be by them respectively deducted out of the different sums by them to be received, whether in money or in certificates, and old dollar bills in proportion to the receipts of money and certificates and old dollar bills that is to say, the commissions on the amount of the money shall be retained in money; and the commissions on certificates and old dollar bills, in certificates.

VII. And be it further Enacted by the authority aforesaid, That the treasurer shall account with the General Assembly in the same manner, and upon the same principles as sheriffs are hereby directed to account; and shall take an oath similar to that herein before described. The public tax of each and every county in the State, so collected, shall to the sheriff thereof be accounted for by the collector or collectors, within the first week of the month of June, in every year; and the collector or collectors, so failing to account, shall forfeit all his or their commissions for such collection, and further pay interest on the full amount of his or their collection, for the time he or they may retain the money in his or their hands; and grants of monies by the General Assembly, signed by the speakers of both houses thereof, and warrants issued by his excellency the governor of this state, by the said sheriff or collectors discharged, to them shall be held and deemed good and sufficient acquittances in their settlements of accounts.

VIII. And be it further Enacted by the authority aforesaid, That if any collector, sheriff or other person, holding public monies, shall presume to demand, or accept any fee, gift, gratuity or discount, for paying or taking up any warrant or draught, chargeable upon the taxes, every such offender,

upon due conviction in any court of record, shall forfeit and pay to the State a sum equal to the amount of the draught so taken up, and shall moreover forfeit his whole commissions upon his collection, and be rendered thereafter incapable of holding, or exercising any office of trust, honour or profit, in this State; and the sheriffs of each county, on the annual settlements of their accounts of collection of the public taxes, shall be allowed thereon a commission of three per cent. and the sheriff shall account for the public money by him received at the office of the public treasury between the first week of July, and the first week in August in every year.

IX. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, the business heretofore conducted by treasurers for the several districts of this State, shall be conducted by one treasurer, to be appointed by the General Assembly, who shall keep his office at Hillsborough, whose business and duty it shall be to keep distinct accounts with the several county sheriffs within this State, for the taxes by them hereby directed to be collected, and the return thereof directed to be made into the said office, and with the clerks of superior and county courts, for all sums of money paid on account of any taxes by them by law directed to be collected, and of recognizances forfeited, fines decreed, forfeitures and amercements made by judgements of the said courts, as far as the said recognizances, fines, forfeitures, and amercements, are by law directed for the use and benefit of the State, and of all monies by him received on any account whatsoever; distinguishing particularly the accounts of the separate taxes and impositions laid by law, and their produce, with the payments made by the treasury on the grants of the General Assembly, or the warrants of the Governor, for the time being, or where taxes are or may be laid, for special purposes, to those by law authorized to receive the same.

X. And be it further Enacted by the authority aforesaid, That over and above the usual bonds directed by law to be given by the sheriff of each county before his entering into office, he shall enter into a distinct bond, with two sufficient securities, to be approved of by the county court, in the sum of two thousand pounds of the current money of the State, to the Governor, conditioned for the due collection from the collectors payment and settlement of the public taxes, which to him are hereby directed to be by the county collectors paid, on or within the time by this Act directed, which bond, after having duly recorded the same, the clerk of each county court, is hereby directed to forward to the treasurer of the State, together with a list of the taxable property, of the county, made conformably to the Act of assembly aforesaid.

XI. And be it further Enacted by the authority aforesaid, That if the sheriff or sheriffs of any county within the State, shall neglect or refuse to settle his or their accounts on or within the time limited by this Act, and in manner hereby directed, then it shall and may be lawful for the treasurer of the State to enter up judgment, in the name of the Governor on the same, for the amount of the tax due from such sheriff or sheriffs and their securities, in any court of record within this State, which is hereby declared to be good and valid in law and execution may issue thereon, directed to the succeeding sheriff, or the coroner of the county wherein the delinquent sheriff resides, as if the sheriff and securities had been prosecuted to judgment by the usual processes of the said court; any law, custom or usage to the contrary notwithstanding; and the sheriff so delinquent, is hereby declared to have forfeited all commissions by this Act allowed on his collection of public taxes; and the like remedy is hereby given and declared to each

and every sheriff, against all delinquent collectors within their respective counties.

XII. And be it further Enacted by the authority aforesaid, That if the sheriff of any county within this State, shall die shortly before, or during the time appointed for the collection of public taxes, so that the county court could not have appointed a successor in office, before the time for collecting the taxes in such cases, it may and shall be lawful for their securities to receive the same from the collectors; in which business they are hereby declared to have all the powers, authorities, privileges and emoluments, in and for the receipt and collection of public taxes, which the sheriff deceased possessed and enjoyed.

XIII. And be it further Enacted by the authority aforesaid, That the public treasurer shall on his appointment call for, and demand from the comptroller of this State a list of all persons within this State, described in an Act of assembly passed at Hillsborough, in the sixth year of the independence of this State, intituled "An Act to establish a department for adjusting and liquidating the public accounts of this State, and for appointing a comptroller, and other purposes;" who have not agreeably thereto settled their public accounts; against all and every of said persons, the said treasurer is hereby required to commence an action of debt, as the said comptroller is directed under the eighth section of the said last mentioned Act; and the said treasurer is further hereby required to call for, and demand from the said comptroller, the accounts of all persons indebted to the public, either before or since the revolution, for quitrents received, public monies, or public property of any denomination whatsoever, for which the said treasurer is hereby directed and authorised to commence action of debt, or otherwise, in the name of the Governor, for the balances remaining due to the former province, or present State of North Carolina; to which action or actions so brought, no plea of limitation shall be admitted, any law to the contrary, notwithstanding.

XIV. And be it further Enacted by the authority aforesaid, That to enable the said treasurer to procure testimony, commence and prosecute suits for recovery of such balances due previous to the fourth of July, one thousand seven hundred and seventy-six, it shall and may be lawful for the said treasurer to receive on every recovery so made, the commission of twelve per cent.

XV. And be it further Enacted by the authority aforesaid, That in case of the death or disability of the treasurer during the recess of the General Assembly, then it shall and may be lawful for the Governor, and he is hereby empowered and required, with advice of his council, to appoint some other fitting person to the office of public treasurer, which person so appointed, shall have all the powers, authorities and emoluments hereby granted, subject to the same rules, regulations and penalties herein directed which office he shall hold until the end of the succeeding session of the General Assembly, and no longer.

XVI. And be it further Enacted by the authority aforesaid, That the said treasurer before he enters into office, shall give bond with sufficient securities, whose property shall be valued at least to the amount of the bond required, the treasurers property included, in the sum of one hundred thousand pounds, to be approved of by the Governor and council, to the Governor for the use of the State; which bond shall be conditioned for the faithful and diligent discharge of his trust, and accounting for the public monies of this State. and calling to account by law, persons charged with public monies, who shall prove delinquents, and making regular returns from his

office of the proceedings therein, and of the cash on hand, and the sums remaining due, to every session of the General Assembly of this State in person, and as often as thereunto required, to the Governor for the time being; on which bond judgment may be entered up by his successor in office, in the same manner as by this Act is directed on the bonds of delinquent sheriffs against him, the said treasurer and his securities, where the said treasurer hath not fully complied with the duties of his office, as by this Act is directed.

XVII. And be it further Enacted by the authority aforesaid, That if it shall appear that the public treasurer hath failed at any time to pay the public monies in his hands on grants of the General Assembly, on the Governor's warrants, or monies brought into the treasury on special taxes, to those authorized by law to apply for and receive the same, or hath neglected in any instance to call to account as by this Act is directed, any delinquents therein described, by which the public revenue of the State may suffer loss, then and in such case the said treasurer shall be held and deemed accountable for sums due by such delinquents, to all intents and purposes as if the same had actually been paid into his office.

XVIII. And be it further Enacted by the authority aforesaid, That the county sheriffs or the public treasurer shall not discharge any grant of Assembly, or warrant of the Governor hereafter to be issued, unless in the said grant and warrant it shall particularly express the cause and service for which the same issued.

XIX. And be it further Enacted by the authority aforesaid, That the election of the said public treasurer shall be annual, and that in consideration of his office he shall be entitled to and receive the salary of five hundred pounds per annum, in full consideration of all services incident to his office; and the said treasurer is hereby required to take the following oath, viz: "I swear that according to the best of my abilities and judgment I will execute impartially the office of public treasurer in all things according to the true intent and meaning of the Act, for the more regular collecting payment of, and accounting for the public taxes, and that I will not directly or indirectly be concerned in carrying on trade or merchandise of any kind whatsoever, or apply the public money to any other use than by law directed, so help me God."

XX. And be it further Enacted by the authority aforesaid, That the taxes laid for the year one thousand seven hundred and eighty-four, shall be paid by the several sheriffs, into the hands of the treasurer by this Act appointed, any law to the contrary notwithstanding. And the offices of district treasurers, from and after the passing of this Act are hereby declared to cease, and the treasurer hereby appointed is to enter into the execution of his office, on the first day of January, one thousand seven hundred and eighty-five, at Hillsborough as aforesaid, when and where he shall give attendance by himself or clerk.

XXI. And be it Enacted by the authority aforesaid, That all Acts and clauses of Acts heretofore made, which come within purview of this Act, be repealed and made void.

CHAPTER III.

An Act for raising a public Revenue for the support of Government, and to repeal an Act intituled, "An Act to suppress excessive gaming."

I. Whereas a settled revenue is necessary for the maintenance of the Governor, judges of the superior courts, and other officers and persons.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the Authority thereof, That from and after the first day of January next, the following duties, impositions and taxes, be collected and accounted for, in manner hereafter pointed out and directed, viz. for every writ or leading process, returnable in the superior court, ten shillings; on every writ or leading process, in any county court, five shillings; on every marriage license, ten shillings; on every ordinary license annually, two pounds; on every deed, recorded in any court, five shillings; on every grant, which shall issue on any entry, hereafter made, when registered, five shillings, to be received by the register, which he shall account for, in the same manner, as clerks of courts account for the tax on deeds, and be under the same penalties and forfeitures for neglect; on every pack of playing cards, imported or brought into this State, eight shillings; on every box and dice, kept in a tavern, or by any person for the purpose of gaming annually, ten shillings; for every billiard-table, ten pounds annually; for a general license to an attorney, ten pounds; for a license to practice in the county courts, five pounds; on every wheel carriage kept for pleasure, ten shillings per wheel annually; for every stud horse, the sum demanded by the owner, for the season of one mare; and that all goods imported by merchants into this State, by land for the sake of trade and commerce, shall pay the same duties as goods imported into this State by water: Provided nevertheless, That no planter or farmer bringing goods for sale, or merchandise into this State, by land, under the amount of twenty pounds, at any one time shall be considered within the purview of this Act.

III. And be it further Enacted by the authority aforesaid, That the clerks of the several courts of record, and the registers be, and they are hereby impowered to demand, take and receive the said taxes; and the tax on marriage and ordinary licenses, shall be paid down, before any such are issued or made out to the party praying the same; and the tax on deeds shall be paid before any such deeds shall be admitted to probate; and the tax on writs, or other leading process, shall be taxed in the bill of costs, and levied on the goods and chattels, lands and tenements, of the person or persons against whom judgment shall or may be given, or against plaintiffs, or persons discontinuing his, her or their suit or action, in the same manner as other costs are levied and recovered: Provided, that no tax shall be collected from the representatives of any deceased plaintiff, by whose death any action may be abated; and in case the defendant or defendants, are insufficient to pay said tax, tho' judgment is given for the plaintiff, yet he shall pay the above tax, and execution shall, and may issue for the same.

IV. And be it further Enacted by the authority aforesaid, That at the first superior or county court, to be held for any district or county, after the present session of General Assembly, the several clerks in the said superior and county courts, and registers, shall give bond, payable to the Governor and his successors in office, with security, to be approved of by the judges or justices of such court, in the sum of one thousand pounds, for their faithful fulfilling and discharging the duties by this law pointed out, and enjoined on them; and on breach of said bond, the treasurer is hereby impowered and required to enter up judgment against such delinquent clerk or clerks, register or registers, in any court of record.

V. And be it further Enacted by the authority aforesaid, That all merchants and others importing goods into this State for the sake of commerce by land, and all and every person bringing into this State by land or water any pack or packs of playing cards, and all keepers of taverns or ordinaries, stud horses or carriages kept for pleasure, shall annually at the

time they give in their lists of polls or taxable property, declare on oath to what amount they or any of them may have imported goods into this State by land, for the sake of merchandizing; and shall further on oath produce the invoices of their several purchases at the same time, except as herein before excepted the number of packs of playing cards imported by land or water, and the number of dice boxes and dice, billiard tables and stud horses, or carriages kept for pleasure, belonging to them; and the justices taking the said lists are hereby impowered and required to assess and lay on the aforesaid articles the sum or sums by this law directed to be laid on them; and the collectors are hereby impowered to demand and collect the said duties and to account for them at the same time and in the same manner as other taxes are collected and accounted for, and shall have the same commission for their services and be liable to the same penalties and mode of recovery for failure or neglect of duty.

VI. And be it further Enacted by the authority aforesaid, That the several clerks shall and they are hereby required and commanded annually, on or before the first day of June, to transmit to the treasurer an attested account of the parties names who have brought suit in their respective courts, also of those who have paid the aforesaid taxes on marriage and ordinary licenses and deeds, which account shall be certified by the judges or presiding justice in such court to have been compared to the several dockets.

VII. And be it further Enacted by the authority aforesaid, That the register of each county shall annually, on or before the month of June, transmit to the treasurer a list of all deeds and grants registered in his office in the preceding year.

VIII. And be it further Enacted by the authority aforesaid, That the said clerks and registers shall pay to the sheriff or treasurer of the county, all monies that are or shall be paid into their respective offices, arising from the taxes aforesaid, taking the treasurer's receipt for the same; an attested copy of which receipt they shall as soon as possible transmit to the comptroller who is hereby required to charge the treasurer with the amount of the money so paid by the clerk and registers into his hands; and the several clerks and registers for their trouble in collecting and paying the aforesaid taxes and duties, are hereby impowered to retain for their own use two and an half per cent. of all taxes so collected and accounted for.

IX. And be it further Enacted by the authority aforesaid, That if any Clerk or register shall fail so to pay said money, he shall be deemed guilty of a misdemeanor in office; and upon conviction thereof be removed from his office, and be deemed forever after incapable of holding any office of trust or profit in this State.

X. And be it further Enacted by the authority aforesaid, That the tax hereby imposed on suits in the superior and county courts in this State shall be and remain a tax appropriated to the sole purpose of the payment of the salaries allowed by law to the judges of the superior courts of law and equity, and to the attorney general, as far as the said tax shall be adequate to the discharge of the said salaries. Provided always, If the said tax collected shall exceed the amount of the salaries aforesaid, then the surplus shall be applied to the contingencies of the State.

XI. And be it further Enacted by the authority aforesaid, That no person shall hawk, or carry goods up and down this State, without first obtaining a permit from some county court of this State, on pain of forfeiting said goods, or the value thereof, to be sued for and recovered in an action of

debt by any person suing for the same, one half to such suitor's use, and the other half to the use of the county where such suit shall be determined.

XII. And be it further Enacted by the authority aforesaid, That all pedlars and other itinerant traders for a permit shall pay to the clerk fifty pounds, which shall be only for license to hawk and sell for one year; and the clerk shall account for and pay said monies arising from such permits, as other monies by this Act are directed, and be liable to the same penalties.

XIII. And be it further Enacted, That an Act of the General Assembly passed in April, one thousand seven hundred and eighty, intituled, An Act to suppress excessive gaming, be and the same is hereby repealed and made void.

CHAPTER IV.

An Act for levying a Tax for the support of Government, and for the redemption of Continental Money, Old Paper Currency, Specie and other Certificates.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That for the year one thousand seven hundred and eighty-five, a tax of four shillings on every hundred acres of land, and a tax of twelve shillings on every poll, and a tax of twelve shillings on each and every hundred pounds value of town lots with their improvements, in this State, shall be levied and paid in State currency, or in gold or silver, at the rates established by law in continental or State-dollar bills, or soldiers bounty certificates at the rate of eight hundred for one, in specie certificates of any kind at their nominal value with the interest due thereon, or currency certificates as rated by the Act for the sale of confiscated property. Provided, The continental or State dollar bills, specie and other certificates, shall not be received for more than one half of the said tax.

II. And be it further Enacted by the authority aforesaid, That the above mentioned tax shall be collected, paid and accounted for, as directed by an Act, intituled, An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting the public taxes; and also an Act, intituled, An Act for the more regular collecting payment of and accounting for the public taxes.

CHAPTER V.

An Act to Amend An Act of Assembly, Passed at Hillsborough in June, One Thousand Seven Hundred and Eighty-four, Intituled, An Act for levying Certain Duties on All Foreign Merchandise Imported into this State in Aid of the Public Finances, and Directing the Mode of Collecting the Same; and Also to Amend One Other Act Passed in the Same Year, Intituled, An Act to Prevent the Exportation of Unmerchantable commodities; and Also to Amend One Other Act of Assembly Passed in May, One Thousand Seven Hundred and Eighty-Three, Intituled, An Act for Facilitating the Navigation, and Regulating the Pilotage of the Several Ports of this State.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the packages, commissions and other charges usually added to invoices shall not be

deemed part of the value of the goods mentioned in such invoices, nor shall any duties be paid on any such charges; and it is hereby expressly declared that the amount of the duties shall be caluculated on the respective amount or value of goods according to the invoice or account of the same at the last place of exportation, and the amount, or value exchanged into the currency of this State at the rate of seventy-seven and two-thirds per cent. on sterling; which is hereby declared to be the standard between the monies of this State and other countries.

II. And be it Enacted by the authority aforesaid, That a duty of one shilling per dozen bottles shall be collected on all wines, other than Madeira wines; and one shilling per dozen on all cyder in bottles; and also two pence per gallon on all malt liquors not bottled which shall be brought into this State; and the respective collectors of duties shall collect and account for the same as for other duties; and the collectors respectively are hereby authorized to appoint a deputy or deputies as they may think proper, for whose conduct the collector shall be answerable as for himself. And, whereas, several duties are by law enjoined on the collectors for which no fees are allowed, it shall be lawful for each of the said collectors to take and receive for administering an oath, and granting a certificate thereof, the sum of two shillings; for taking a bond, the sum of eight shillings; and for each permit the sum of four shillings and no more; any law to the contrary notwithstanding.

III. And, whereas, agreeable to the before recited Act, it is lawful to give bond and security payable six months after date for all or any duties due by law on foreign merchandise, which when for very small sums is found unnecessary; Be it therefore Enacted by the authority aforesaid, That from and after passing this Act it shall be lawful for the collectors in the several ports in this State to demand and receive in ready money all such duties as may be payable from any person whatsoever, in case such duties do not amount to the sum of ten pounds currency of this State; and in case any person liable to pay such duties which do not amount to the sum of ten pounds as aforesaid, shall refuse or delay to pay the same within forty-eight hours next after his arrival in the port, it shall be lawful for the collector to seize and sell for ready money any part of the goods on which the duties are payable, sufficient to make such duties, and ten per cent. on the amount of the duties to the collectors or vendue masters who may sell the goods so seized as aforesaid; and the collector shall return the balance of the money arising from the goods so sold, if any, to the person entitled to receive the same.

IV. And be it Enacted by the authority aforesaid, That in cases where bonds shall be given for the payment of any lawful duties on goods imported into this State, and the said bonds shall not be paid and discharged agreeable to the tenor thereof; it shall and may be lawful for the collector on motion in any court having cognizance thereof, to have and obtain judgment in such court for the amount due with costs, against the goods and chattels, lands and tenements, of the debtor and his securities, if any, and execution shall issue accordingly; Provided, ten days' previous notice in writing shall have been given to the party, and securities, or such of them against whom judgment shall be moved, or left at the house or usual place of abode of such person or persons, and not otherwise; any law to the contrary notwithstanding.

V. And, whereas, in the Act to prevent the exportation of unmerchantable commodities, it is directed that all barrels of pitch and turpentine shall be covered two-thirds with hoops is found unnecessary; Be it therefore

Enacted by the authority aforesaid, That from and after the passing this Act it shall be lawful for the inspectors to inspect and brand all barrels of pitch and turpentine which shall be well secured with twelve good hoops on each barrel, in case the same shall in other respects be agreeable to law; nor shall any barrel of pitch or turpentine be refused or condemned for want of weight, if the barrel shall be good, of full size, and well filled with good pitch or turpentine; any law to the contrary notwithstanding.

VI. And be it further Enacted, That no inspector shall hereafter refuse to pass and brand any barrel containing any inspectable commodity on account of width or thickness of the staves: Provided, no stave exceed five inches in width and is at least three-quarters of an inch thick at the chime or crose, and of proportionable thickness in the bilge.

VII. And be it further Enacted by the authority aforesaid, That all fish hereafter to be exported from this State shall be packed in good and sufficient barrels, and shall be inspected by the inspector of the county where the same may be saved at the time of shipping the same; and where the barrels shall appear to be good and full of good sound fish, by the best information the inspector can make by examining or broaching or otherwise, the same shall be deemed merchantable, on the inspector's marking, branding, &c.; otherwise it shall not be lawful to export any fish from this State; any law, usage or custom to the contrary notwithstanding.

VIII. And, whereas, the fees allowed in the said Act to inspectors, are in some instances inadequate to their services; it is hereby Enacted by the authority aforesaid, That from and after passing this Act, the respective inspectors shall and may lawfully take and receive the following fees and no more: For inspecting each barrel of flax-seed containing seven and a half bushels, one shilling; for cleaning the same if required, three shillings; for each barrel of beef or pork, one shilling; for each barrel of rice, flower, fish or butter, eight pence; for each barrel of tar, two pence; for each barrel of pitch or turpentine, three pence; for each hundred staves or heading, three pence; for every thousand shingles, one shilling, and for each thousand feet of boards, plank or scantling, one shilling: Provided, the fees for inspection of staves, heading, shingles, plank and scantling, if required to be inspected, shall be paid one-half by the purchaser and the other half by the person selling the same; and the fees of inspection in all other instances, shall be paid by the purchaser or exporter of the article inspected.

IX. And be it further Enacted, That all barrels in which pork or beef shall be packed for exportation shall be deemed merchantable and may be passed and branded by any inspector; Provided, they be made of Turkey, water or white oak, and are in all other respects agreeable to law; and that it shall be lawful for the inspectors to inspect all hog's lard which shall be exported in casks, respecting the quality thereof; for which the inspector shall be entitled to fees similar to those allowed in pork; respect being had to the size of the cask; and the article of hog's fat or lard shall not hereafter be exported unless in cypress or juniper casks, and inspected; under the pains and penalties inflicted by law for exporting uninspected pork, beef or any other commodities liable by law to be inspected.

X. And, whereas, in the Act for facilitating the navigation and regulating the pilotage of the several ports in this State, it is in the third section enacted: That all vessels under fifty tons burthen coming into either of the ports of Beaufort, Bath, Roanoke or Currituck, shall pay to the naval officer and by him payable to the commissioners of navigation, the tax or sum of ten shillings each; which if exacted and taken from small vessels

and open boats would be very burthensome and unequal tax, as such vessels or open boats would pay as much as vessels of fifty tons burthen, and for the purpose of staking the channel, whereby the owners of small boats receive but little or no advantage: Be it therefore Enacted by the authority aforesaid, That from and after passing this Act, the aforesaid sum or tax of ten shillings shall not be taken, demanded or received on or from any vessel or boat whatsoever, whose real burthen does not amount to twenty tons or more; anything in the last recited Act or any other law to the contrary notwithstanding.

XI. And, whereas, by an Act passed at the last session of the General Assembly, intituled, "An Act for levying a tax for the purposes therein mentioned, and for investing the United States in Congress assembled with a power to collect the same;" a tax of six pence was laid on every hundred acres of land, one shilling and six pence on every poll, and one shilling and six pence on every hundred pounds value of town lots with their improvements: And, whereas, it appears that the other States in the Union have not passed similar Acts, and the said tax having been intended to pay the quota of this State for the discharge of the public debt: Be it therefore Enacted by the authority aforesaid, That the collectors of the public tax within this State for the year one thousand seven hundred and eighty-five, are hereby authorised and required to collect, pay and account for the tax laid in and by the before recited Act, in the same manner and under the same rules, regulations, restrictions and penalties, and entitled to the same emoluments as is prescribed by an Act passed this session of the General Assembly, intituled, An Act to amend an Act of Assembly passed at Hillsborough in June, one thousand seven hundred and eighty-four, intituled, An Act for levying certain duties on all foreign merchandise imported into this State in aid of the public finances, and directing the mode of collecting the same; and also to amend one other Act passed the same year, intituled, An Act to prevent the exportation of unmerchantable commodities; and also to amend one other Act of Assembly passed in May, one thousand seven hundred and eighty-three, intituled, An Act for facilitating the navigation and regulating the pilotage of the several ports of this State.

CHAPTER VI.

An Act Directing the Sale of Confiscated Property.

I. Whereas, it appears to this General Assembly that considerable quantities of lands, tenements, hereditaments and movable property, which have been confiscated under some one or other of the laws of this State commonly called confiscation laws, yet remains unsold; and it being just and necessary that the same should be sold for the use and benefit of the State.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority thereof, That all the lands, tenements, hereditaments and movable property within this State, heretofore confiscated and not yet sold (except such lands which have not been granted by the crown of Great Britain, or the lords proprietors of Carolina, or any of them in fee before the fourth day of July, one thousand seven hundred and seventy-six, and such other lands, tenements, hereditaments and movable property, which hath or have heretofore been restored to the former owners by the General Assembly or otherwise dis-

posed of by lawful authority), shall be sold by commissioners in manner hereinafter directed.

III. And be it further Enacted by the authority aforesaid, That the commissioners for the several districts shall be as follows, to-wit: For the district of Morgan, John Walker; for the district of Salisbury, Charles Bruce; for the district of Hillsborough, Archibald Lytle; for the district of Halifax, Nicholas Long; for the district of Edenton, Hardy Murfree, for the district of New Bern, James Armstrong, and for the district of Wilmington, Griffith John McRee.

IV. And be it further Enacted by the authority aforesaid, That the several commissioners by this Act appointed shall have power within their respective districts, and they are hereby required to call on the surveyor of each and every county, respectively, to make actual surveys of all the confiscated lands by this Act Directed to be sold lying within the county whereof he is surveyor. Provided, That no survey shall contain a greater quantity of land than six hundred and forty acres. And the surveyors respectively shall return two fair plats of each and every survey to the commissioners within three months after receiving the commissioners' orders for that purpose, in which return shall be expressed the quantity and situation of the land, together with the name of the late owner or owners, and in case of town lots, the number of the lot, and how improved, shall also be expressed.

V. And be it further Enacted by the authority aforesaid, That the sheriffs of the several counties respectively shall return to the commissioners a list of all negroes and other movable property coming within the meaning of this Act which may be in the county whereof he is sheriff, in which return shall be expressed the quality of each article, the name of the person in whose possession it may be, and the name of the late owner or owners, within six months after the passing of this Act; and the sheriffs respectively shall have power and they are hereby required to cite any person or persons whatsoever suspected of having or concealing confiscated negroes or other movable property in his, her or their hands, to the county court, then and there to answer such questions on oath as the court shall ask relative thereto; and if it shall appear to the said court that any confiscated property as aforesaid is in the hands of any person or persons so examined, the sheriff shall notify the same to the commissioners in their return, and the commissioners are hereby impowered and required to ask for and receive such property for the purposes herein before expressed; and in case of refusal the commissioners are hereby impowered and required to prosecute a suit or suits in the name of the State for the recovery of the full value of such article or articles which is or may have been in his or their hands unaccounted for.

VI. And be it further Enacted by the authority aforesaid, That the lands, tenements, hereditaments and movable property, by this Act intended to be sold for the use and benefit of the State, shall be sold by the commissioners at public vendue to the highest bidder at the court house of the county wherein such lands, tenements, hereditaments and movable property shall be, for the current money of this State, or the certificates granted to the officers and soldiers of the continental line of this State, first giving public notice of the time of sale, as soon as may be after receiving the returns hereinbefore directed to be made by the sheriffs and surveyors by advertising the same at the court houses of the districts wherein such property shall be, and by publication thereof in the North Carolina (if there should be a paper published in the State), Virginia and South Carolina gazettes,

at least three months before the day of sale; which advertisement shall clearly express the conditions of sale, the particular tracts of land with their situations, town lots with the quantity of ground each lot contains, the number of the lot and how improved, and also each article of movable property to be sold in each county respectively, together with the name of the person or persons to whom each tract of land, town lot or article of movable property did lately belong, which sales shall be made on credit for twelve months, the purchasers giving bond with sufficient security payable to the Governor for the time being, or his successor, for the use of the State, in double the amount of the purchase money, conditioned for the payment of the principal in current money or certificates as aforesaid, with lawful interest at the end of the term aforesaid.

VII. And be it further Enacted by the authority aforesaid, That the commissioners shall superintend the sales in their own persons, and may continue from day to day so long as may be necessary, and when the sales are compleated the commissioners respectively shall make a fair statement of their proceedings, wherein shall be set forth each purchaser's name, the amount of his bond, and also the amount in cash or certificates if any has been received, and shall make return thereof on oath to the comptroller's office, and the comptroller is hereby required to state the same in his books, whereby such commissioners shall become debtor to the public to the amount, but the bonds shall remain in the hands of the commissioners respectively; and when the same becomes due they shall have power and they are hereby required to sue for and recover the same in any court of record within this State having cognizance thereof; and shall pay the money into the treasury, and the treasurer's receipt shall be a voucher for settling their accounts with the public.

VIII. And be it further Enacted by the authority aforesaid, That the commissioners respectively shall transmit to the Secretary's office two fair plats of each and every survey of land and town lot which shall be sold by virtue of this Act within six months after such sales are made; wherein shall be expressed the quantity and description of the land, county where situated, to whom sold, and the price; together with the name of the late owner; and in case of town lots the number of the lot as by the plan of the town where such lots may lie shall also be expressed; and thereupon the Governor and commander-in-chief shall cause grants under the great seal of the State to be made out to the respective purchasers, one of the aforesaid plats shall be annexed to the grant, and the other filed by the secretary; which grants shall be enrolled in the secretary's office in the same manner as other grants; but no grant shall issue from the secretary's office until the purchaser shall have paid the principal and interest of the purchase money; and where it shall so happen that a suit or suits shall be prosecuted against any of the purchasers agreeable to the directions of this Act, the lands, tenements, hereditaments and other property purchased as aforesaid, shall be liable to execution on the judgment of the plaintiff; any thing in this Act to the contrary notwithstanding.

IX. And be it further Enacted by the authority aforesaid, That the commissioners respectively shall give bills of sale for all negroes and other movable property, subject nevertheless to the payment of the purchase money, in the same manner as lands are by this Act made liable.

X. And be it further Enacted by the authority aforesaid, That in case of the death, removal out of the State or resignation of all or any of the commissioners named in this Act, his Excellency the Governor, with the advice

of the council of state, be and he is hereby authorised and impowered to appoint other commissioners to fill such vacancy or vacancies.

XI. And be it further Enacted by the authority aforesaid, That the commissioners respectively before entering upon the execution of their office, shall enter into bonds with sufficient security to the Governor and commander-in-chief for the time being, in the sum of fifty thousand pounds; conditioned for the faithful discharge of the duties by this Act reposed in them, and shall also take an oath before the court of the county where such commissioners shall reside, that they will truly and faithfully execute their said office, agreeable to the directions of this Act.

XII. And be it further Enacted by the authority aforesaid, That the commissioners respectively shall be entitled to a commission of three per cent. for the faithful discharge of the duties by this Act required; to be paid them by the treasurer on a warrant from the Governor and commander-in-chief for the time being; which warrant shall be allowed the treasurer in his accounts with the public: Provided, That the Governor shall not issue such warrant until such commissioners shall have finally settled their accounts with the comptroller for the whole amount of sales.

XIII. And be it further Enacted by the authority aforesaid, That the county surveyors respectively, shall be allowed the sum of forty shillings for each and every survey by them made; paying the chain bearers and returning the plats by this Act required; to be paid on a warrant from the Governor or commander-in-chief for the time being by the treasurer, and such warrant shall be allowed the treasurer in his accounts with the public; and in case any surveyor shall meet with any opposition by force, he shall apply to the sheriff of the county where such force shall be used, who on having the same ascertained on oath, shall summon so many of the inhabitants of his county as may be sufficient to repel such force and support the surveyor in the execution of his office.

XIV. And be it further Enacted by the authority aforesaid, That the sheriffs respectively shall return an estimate of their services done in obedience to this Act to the county courts, who are hereby authorised and required to make adequate allowances for such services, and the clerk shall certify the same under his hand and affix the county seal thereto; which allowance certified as above directed shall be allowed such sheriff in settlement of his accounts with the public.

CHAPTER VII.

An Act to Regulate and Ascertain the Several Officers' Fees Therein Mentioned and for Altering the Times of Holding the Superior Courts of Law and Equity for the Districts of Halifax, Edenton, New Bern and Wilmington.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That for the future the several officers herein mentioned, shall take and receive the following, and no other or greater fees whatsoever, viz.: The clerks of the Superior Courts of Law and Equity for every leading process returned to the first court and all subsequent process, appearances, pleas, rules, orders and other services necessary thereon, until the making up an issue inclusive, and also for dismission or final judgment where either happens, or for confession of judgment, to the clerk of the court, ten shillings; for every continuance or reference of every cause after the second court, including all fees for

every necessary service, four shillings; for the court at which the cause is determined, including all fees for every necessary service thereon, and entering final judgment inclusive, eighteen shillings; for every subpoena, provided the party insert no more than four witnesses in the same, two shillings; for every execution or order of sale when necessarily issued and returned, including all services thereon, with taxing costs and copy and entering satisfaction, five shillings; for every scire facias against bail, with making an issue thereon or entering judgment without plea, including fees for every service necessary thereon, provided that the party cast shall not be subject to this unless the scire facias is requisite and required by the plaintiff, eight shillings; for giving a copy of the record of any cause when demanded by either of the parties, six shillings; for every recognizance, two shillings; for every order or rule of court, made on matters foreign to the suit depending in court, any copy thereof, when demanded, two shillings and eight pence; for searching a record out of court, one shilling; for a commission to take the examination of a feme couvert or witnesses in any cause depending, the return thereon, entering and all other services necessary thereon, three shillings; for a special venire facias in an action of ejectment, or where the bounds of lands shall come in question, when the said writ shall be issued, eight shillings; for a special verdict, demurrer or motion in arrest of judgment, and argument thereon, four shillings; for a writ of error, certiorari or appeal, with a transcript of the record and all services necessary thereon, eight shillings; for making out certificates of witnesses or jurymen's attendance, eight pence. The clerks of County Courts of Pleas and Quarter Sessions, for every leading process returned to the first court, including all services, together with dismission or final judgment, where either happens, ten shillings; for every presentment or indictment, six shillings; for entering and filing every rcognizance, two shillings; for every continuance or reference of any cause after the second court, including all fees for every service necessary thereon, three shillings; for the court at which the cause is determined, including all services, seven shillings and six pence; for every subpoena, provided the party insert no more than four witnesses in the same, one shilling and six pence; for every execution or order of sale when necessarily issued, including all services thereon, with taxing costs and copy and entering satisfaction, three shillings and nine pence; for every scire facias against bail, with making up an issue thereon or entering judgment without plea, including all fees for every necessary service thereon, provided that the party paying costs shall not be subject to this unless the scire facias is necessary and required by the plaintiff, six shillings; for giving a copy of the record of any cause when demanded by either of the parties, four shillings and six pence; for every order or rule of court, made on matters foreign to the suit depending in court, and copy thereof, if demanded, two shillings; for entering on the minutes the probate of wills, qualifying executors, making certificates, recording the will and giving copy thereof, eight shillings; for granting administration, taking bond and all other services thereon, eight shillings; for proving and recording at length in bound books to be kept for that purpose, and filing an inventory account of sales or account current exhibited by an executor, administrator or guardian, or for search, copy and certificate of the same, if the estate be under one hundred pounds, two shillings; if above, four shillings; for every marriage license and bond, eight shillings for ordinary license and bond and all services necessary to be done therein, eight shillings; for tavern rates, two shillings; for searching a record out of court, one shilling; for proving or entering acknowledgement

of a conveyance of land or other estate and certifying the same, with order of registration and examination of a feme couvert, without commission, two shillings; for a commission to take the examination of a feme couvert, or witnesses in a case depending in said court, entering the return thereon, and other necessary services, two shillings and four pence; for a guardian or other bond taken in court, including all services, six shillings; for indentures for binding out apprentices, including all fees for every service necessary thereon, six shillings; for a special verdict or demurrer, or motion in arrest of judgment, three shillings; for a writ of error or appeal, with a transcript of the record, and all services thereon, eight shillings; for making out certificates of witnesses' attendance, eight pence; for recording a mark or brand and granting a certificate thereof if required, one shilling; and all other services done by the clerks of the county courts are hereby deemed ex officio, amongst which all notices or writs of scire facias against jurymen shall be considered, and the respective courts may allow reasonable satisfaction for the same annually out of the county tax, not exceeding the sum of twenty pounds.

II. And be it further Enacted by the authority aforesaid, That the clerks of the several Superior and County Courts of this State, shall and they are hereby required to put up in some public place in their office an exact copy of the fees by this Act allowed, and also in the court house during the sitting of each court, and for every such failure or neglect, they shall forfeit and pay the sum of five pounds, to be recovered by warrant to the use of any person who will sue for the same.

III. And be it further Enacted by the authority aforesaid, That after the passing this Act, the sheriffs in the several counties in this State shall and may receive for their services the following and no other or larger fees, to-wit: For every arrest, five shillings and four pence; for every bail bond, two shillings; for serving a copy of a declaration, one shilling; for serving a subpoena, for each person named in the same, two shillings and eight pence; for pillorying a person, five shillings; for an attachment, the same as for an arrest, and if further trouble by moving of goods, to be taxed by the court; for executing a warrant of distress or an execution against the body or goods, two and an half per cent.; for summoning, empanneling and attending on every jury, on every cause in court, one shilling; when a special venire shall issue by order of court, for summoning each juror and attending the same, two shillings; putting a person in the stocks and releasing, five shillings and four pence; for every commitment, two shillings and eight pence; for every releasment, two shillings and eight pence; for serving a writ of possession of land, eight shillings; for serving and attending on any person on a habeas corpus, per day, fifteen shillings; for calling every action in court, four pence; for imprisonment of felons or debtors or any other person, for each prisoner, per day, for finding one pound of wholesome bread, one pound of good roasted or boiled flesh and a sufficient quantity of fresh water, and every other necessary attendance and keeping the prisoner clean, one shilling and six pence.

IV. And be it further Enacted by the authority aforesaid, That the register in each county in this State, shall and may take for registering each deed or grant, including certificate thereof, four shillings; for every search, eight pence; for a copy of a grant or deed, four shillings; and for registering every other instrument of writing, four shillings.

V. And be it also Enacted by the authority aforesaid, That the sheriff, constable or other officer may take and receive the following fees: For serving every warrant, two shillings and eight pence; for serving an

execution, two shillings and eight pence; for summoning each witness, one shilling and four pence; for every attachment, two shillings and eight pence; for attendance of a constable every court, when summoned by the sheriff, eight shillings per day; for whipping a negro, by order of court or any justice, two shillings and eight pence.

VI. And be it further Enacted by the authority aforesaid, That the rangers in each and every county in this State may take and receive the following fees from the persons taking up strays, viz.: For each and every horse, mare or gelding, including the certificate entered in his said office, five shillings; for each head of neat cattle, two shillings and six pence; for each head of hogs or sheep, one shilling.

VII. And be it further Enacted by the authority aforesaid, That the coroner may take and receive for his services the following fees: For attending on every inquest, twenty-four shillings; and the same fees for discharging the duties of a sheriff as such sheriff himself would be entitled to by this Act for performing the same services.

VIII. And be it further Enacted by the authority aforesaid, That it shall hereafter be lawful for the clerks of the Superior and County Courts where suits are determined and the fees not paid by the party from whom they are due, to make out executions directed to the sheriff of any county in this State, and the said sheriff shall levy the same as in other cases; and to the said execution shall be annexed a copy of the bill of costs of the fees on which such execution shall issue, wrote in words at length without any abbreviation whatsoever; and all executions issuing without the copy of such bill of costs annexed shall be deemed illegal, and no sheriff shall serve or execute the same.

IX. And be it further Enacted by the authority aforesaid, That if the clerk of any court, sheriff, register or coroner of any county shall hereafter be guilty of any breach of the duties enjoined him by this Act, either by his own confession or verdict of a jury, it shall, on a second conviction be adjudged and deemed a misbehaviour in office, for which such clerk or other officer herein mentioned shall be removed from office: Provided, nevertheless, That in case such clerk or other officer shall be dissatisfied with the determination of the county court, he may appeal to the Superior Court of the district in which he resides; in which case there shall be a tryal by jury, where if the suspension of the county court shall be confirmed, the said clerk or other officer as aforesaid, shall ever after be rendered incapable of acting in the said office in any county in this State.

X. And be it further Enacted by the authority aforesaid, That where any sheriff or coroner has heretofore sold any lands in obedience to executions or writs of venditioni exponas to him directed, and not have executed deeds for the same, such sheriff or coroner, though he may be now out of office, shall, and he is hereby required to seal and execute a deed of bargain and sale for such lands to such person or persons who have purchased at vendue and paid the money for the same; and in case any sheriff or coroner having sold any lands as aforesaid, and hath since died or removed out of the State, then his successor in office is hereby required and impowered to make such conveyance as is herein next before directed.

XI. And be it further Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the first day of January, one thousand seven hundred and eighty-five, the Superior Courts of Law and Equity for the Districts of Halifax, Edenton, New Bern and Wilmington shall be held on the days following, to-wit: For Halifax, on the seventeenth days of April and October;

for Edenton on the third days of May and November; for New Bern on the twentieth days of May and November; for Wilmington on the sixth days of June and December; to which days all processes of the said Courts, civil and criminal, shall be returnable to, or to be done or executed on other days at which the said terms were heretofore to commence, shall be returnable to and be done and executed on the days by this Act directed for holding the said courts.

XII. And be it further Enacted, That so much of an Act of the General Assembly passed in Wake county the fourteenth day of July, one thousand seven hundred and eighty-one, intituled, "An Act to regulate and ascertain the several officers' fees therein mentioned," and all other Acts that come within purview of this Act, are hereby repealed and made void.

XIII. And be it further Enacted by the authority aforesaid, That this Act shall commence, to be in force and take effect on the first day of April next, and no sooner.

CHAPTER VIII.

An Act for Repealing Part of an Act Passed at New Bern in November, One Thousand Seven Hundred and Seventy-Seven, Intituled, An Act to Regulate and Ascertain the Fees of Clerks in the Superior and County Courts, Justices of the Peace and Attornies in This State, and Directing the Method of Paying the Same; Also Part of An Act Passed at Halifax in January, One Thousand Seven Hundred and Seventy-Nine, also Intituled, An Act to Ascertain the Fees of Clerks in the Superior and County Courts, Justices of the Peace, and Attornies in This State.

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That so much of the tenth section of the Act aforesaid passed at New Bern, one thousand seven hundred and seventy-seven; and also so much of the sixteenth section of the above Act passed at Halifax in January, one thousand seven hundred and seventy-nine, as relate to the justices of the peace in this State taking and receiving fees for business done out of court, be and they are hereby repealed and declared utterly void.

CHAPTER IX.

An Act for Allowing Salaries to the Succeeding Officers of State, and Repealing so Much of an Act Intituled, An Act for Allowing Salaries to the Governor, Secretary and Other Officers of State, and Other Purposes, as Comes Within the Purview of This Act.

I. Whereas, it is necessary that the principal officers of State should have salaries suitable to the dignity of their station, and not incompatible with the exhausted state of the treasury;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the officers of State who are or shall be elected to succeed those now in office, shall have and receive and be allowed after the following rates: The Governor for the time being for all his services as Governor at the rate of seven hundred and fifty pounds per annum; the Secretary of State after the rate of one hundred pounds per annum, exclusive of such fees as are or may be established by law, in full of all expences for public services; to each of

the Delegates for their service at, going to and returning from Congress, sixty-four pounds per month; to each of the Judges, fifty pounds for each and every court he shall attend; to the Attorney-General, forty pounds for every Superior Court he shall attend, besides fees of office; to the Treasurer, five hundred pounds, in lieu of all commissions incident to his office; to each of the members of the Council, twenty shillings per day for every day they shall be employed in going to, returning from and attending the council board.

III. And be it further Enacted by the authority aforesaid, That the Governor for the time being shall appoint a private secretary, who shall enter into books for that purpose all such letters written by and to the Governor as are official and important, and such other letters as the Governor may think necessary, which book or books shall be laid before the next General Assembly and by the clerks carefully preserved in their offices; that the said secretary be allowed one hundred pounds per annum, in full consideration of his services and expences incidental to his office, exclusive of such fees as are allowed by law: That the comptroller-general of this State be allowed the sum of five hundred pounds per annum for his services, including stationary, and all other expenditures incidental to his office, and also the sum of two hundred and fifty pounds for the purpose of employing clerks.

IV. And be it further Enacted by the authority aforesaid, That so much of an Act intituled, "An Act for allowing salaries to the Governor, Secretary and other officers of State, and other purposes," so far as comes within the purview of this Act, be and is hereby repealed.

CHAPTER X.

An Act to Explain, Amend and Supply the Deficiencies of an Act Passed Last Assembly at Hillsborough, Intituled, "An Act to Regulate the Descent of Real Estates, to Do Away Entails, to Make Provision for Widows and to Prevent Frauds in the Execution of Last Wills and Testaments," and for Directing How Deeds of Gifts and Bills of Sales of Slaves Shall be Executed, Authenticated and Perpetuated.

I. Whereas, doubts have been suggested that the law referred to in the title of this Act leaves it at least uncertain whether brothers of the half blood shall be entitled to succeed to the inheritance in the same manner as sisters do where there is no brother, nor the issue of any such: To remedy such doubts,

II. Be it declared by the General Assembly of the State of North Carolina, and it is hereby declared by the authority of the same, That in the third section of the said Act it was the intention of the Legislature to let in the brothers of the half blood equally with the brothers of the whole blood, and for want of a brother or brothers, or any lawful issue of such brother or brothers, then to the sisters as well of the half as of the whole blood.

III. And, whereas, by the seventh section of the said Act, real estates actually purchased or otherwise acquired by any intestate, are to descend to the father if living, but if dead then to the mother of such intestate and her heirs, by which the descent may be altered by the accident of death, and the parental line which is favoured in all other instances may be deprived of the inheritance by such accident: For remedy whereof, Be it enacted by the authority aforesaid, That in case of the death of any person

intestate leaving any real estate actually purchased or otherwise acquired, and not having any heirs of his body nor any brother or sister or the lawful issue of such, then such estate shall be vested in the father of such intestate if living, but if dead, then in the mother for life, and after the death of the mother, then in the heirs of such intestate on the part of the father, and for want of heirs on the part of the father, then in the heirs of the intestate on the part of the mother forever.

IV. And be it further Enacted by the authority aforesaid, That such part of the personal estate of any deceased person as may be laid off for the widow, as directed by the eighth section of the before recited Act, and shall consist of slaves, shall be laid off to such widow for life only, and after her death shall go according to the statute of distributions; and every widow of any deceased person, before receiving into her possession any such slaves, shall give bond to the county court in the value thereof, that such slaves with their increase shall be returned to the executors or administrators of her deceased husband immediately upon her death, free of all charges and expences whatsoever: Provided always, That where there are no lawful descendants of the deceased, the widow shall have an absolute estate in such slaves, anything herein to the contrary notwithstanding.

V. And, whereas, the attestation of witnesses to wills and testaments required by the before-mentioned Act, is intended to prevent frauds and impositions by the will of persons hastily drawn up in their last sickness, or from their want of sufficient knowledge for that purpose, and it may be proper to make exceptions from that rule in particular cases: Be it therefore Enacted by the authority aforesaid, That when any last will shall be found amongst the valuable papers or effects of any deceased person, or shall have been lodged in the hands of any person for safe keeping, and the same shall be in the hand writing of such deceased person and his name subscribed thereto or inserted in some part of such will, and if such hand writing is generally known by the acquaintances of such deceased person, and it shall be proved by at least three credible witnesses that they verily believe such will and every part thereof is in the hand writing of the person whose will it appears to be; then and in that case such will shall be sufficient in law to give and convey a sufficient estate in lands, tenements and hereditaments, anything in the before recited Act to the contrary notwithstanding.

VI. And be it Enacted by the authority aforesaid, That all probates of wills in the county courts, as well those made heretofore as those which may be made hereafter, shall be sufficient testimony for the devise of real estates, and attested copies of such wills, or the records thereof by the proper officer shall and may be given in evidence in the same manner as the originals: any law or usage to the contrary notwithstanding: Provided always, That when any fraud may be suggested to have been committed in the drawing or obtaining any last will or any irregularity in the executing or attestation thereof, the party making such suggestion shall and may insist upon the original will being produced to the court, if the same is to be found; and the court wherein any suit is depending, and in which such will may be introduced as testimony, may compel all and every person or persons, whether in office or otherwise, to produce the same.

VII. And, whereas, many persons have been injured by secret deeds of gift to children and others, and for want of formal bills of sale for slaves, and a law for perpetuating such gifts and sales: For remedy whereof, Be it Enacted by the authority aforesaid, That from and after the first day of June next, all sales of slaves shall be in writing, attested by at least one

credible witness, or otherwise shall not be deemed valid; and all bills of sale of negroes and deeds of gift of any estate of whatever nature, shall within nine months after the making thereof, be proved in due form and recorded; and all bills of sale and deeds of gift not authenticated and perpetuated in manner by this Act directed shall be void and of no force whatsoever, any law to the contrary notwithstanding.

CHAPTER XI.

An Act Directing the Mode of Proceeding Against the Real Estates of Deceased Debtors, Where the personal Estate is Insufficient for the Payment of the Debts.

I. Whereas, doubts are entertained whether the real estates of deceased debtors in the hands of their heirs or devisees should be subject to the payment of debts upon judgments obtained against the executors or administrators: In order therefore to remove such doubts in future, and to direct the mode of proceeding in such cases;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That in all suits at law where the executors or administrators of any deceased person shall plead fully administered, no assets, or not sufficient assets to satisfy the plaintiff's demand, and such plea shall be found in favour of the defendant, the plaintiff may proceed to ascertain his demand and to sign judgment; but before taking out execution against the real estate of the deceased debtor, a writ or writs of scire facias shall and may issue, summoning the respective heirs and devisees of such deceased debtor to shew cause why execution should not issue against the real estate for the amount of such judgment, or so much thereof as there may not be personal assets to discharge; and if judgment shall pass against the heirs or devisees or any of them, execution shall and may issue against the real estate of the deceased debtor in the hands of such heirs or devisees against whom judgment shall be given as aforesaid.

III. Provided always, and be it Enacted by the authority aforesaid, That when any such heir or devisee shall be a minor and have a guardian, the scire facias shall be served on such guardian, but where the minor shall have no guardian, then and in that case the court shall appoint a guardian to defend the suit for such minor.

IV. And be it Enacted by the authority aforesaid, That when the heirs and devisees of any deceased debtor or any of them shall reside out of the State, so that writs of scire facias cannot be served on them, and shall have no guardians on which the same can be executed, then and in that case the sheriff shall return the fact to be so, and another scire facias shall issue, on which the same return shall be made, if the parties still continue to reside without the limits of this State; on which second return, and likewise on every second return that the party or parties have been summoned and no appearance shall be made upon such summons, judgment shall be given against the real estate in the hands of such heirs or devisees.

V. And be it further Enacted by the Authority aforesaid, That when any executors or administrators shall plead fully administered, no assets, or not sufficient to discharge the plaintiff's debt, such plea shall not be received unless the same shall be sworn to by the defendant or defendants, but notwithstanding that such plea should be found in favour of the defendant or defendants on the trial of the issue, the heirs or devisees shall be permitted

to contest the truth thereof, and upon the plea of such heirs or devisees, that the executors or administrators have sufficient assets, or have wasted or concealed the same, the court shall order the trial of a collateral issue between the executors or administrators and such heirs or devisees, which if found against the executors or administrators the original plaintiff shall have execution not only against the goods and chattels of the deceased debtor, but against the proper goods, chattels, lands and tenements of such executors or administrators; any law or custom to the contrary notwithstanding.

VI. And, whereas, it may so happen that the real estate of a deceased person may by will be distributed among several devisees, and the part devised to one of such devisees may be seized in execution and sold, while the other devisees continue possessed of such part of the estate as the testator intended for them; and it is just and reasonable in such cases that all the devisees should bear an equal proportion of the loss: Be it therefore Enacted by the authority aforesaid, That it shall and may be lawful for any devisee so evicted by the sale of the devise to him as aforesaid, to bring his action at law against the other devisee or devisees for his or their proportion of the value of the land so sold as aforesaid, suggesting in his declaration the value of all the several devises, and the recovery against the other devisee or devisees shall be in proportion to the value of all the devises, which shall be proved on the trial without having any regard to the sum for which the estate of the evicted was sold.

CHAPTER XII.

An Act for the More Ready and Effectual Execution of Process Issuing from the Several Courts of Law and Equity, in Cases Where the Sheriff or Coroner May Be Resisted, and the Power of the County Should Be Found Insufficient for the Purpose.

I. Whereas, it appears to this present General Assembly by authentic documents that in some instances the power of the sheriffs may be insufficient to enable them to seize the property of debtors, or to give quiet and peaceful possession of real estates sold under excution; the possessors of such property, in some parts of the county where the unimproved swamps and other places of difficult access is favourable to them, conceal themselves when they are opposed by force, and when that force is withdrawn have an opportunity of wreaking their vengeance on innnocent persons who may have purchased their property: For remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That when any sheriff or coroner, or the under officer or deputy of any sheriff or coroner shall be opposed with force in the execution of his office, or cannot by summoning the power of the county procure sufficient force to carry into execution such precepts as he shall be commanded to execute, and to leave the purchaser of any real or personal property in quiet and peaceable possession of what he shall purchase, upon the affidavit of such officer and two or more credible persons in writing, of the difficulty and danger of executing such process, and the danger which may arise to the purchasers thereof, it shall be lawful for the colonel or commanding officer or officers of any adjacent county or counties, to raise the militia of such county or counties, or so many as may be thought necessary for the purpose, and by force and stratagem to seize the persons of all such persons as shall by any such

depositions appear to use force or threatenings against any civil officer in the execution of his office, or against any plaintiff or purchaser under any execution or attachment, and such persons so seized as aforesaid, to convey under a strong guard to any prison within the State, there to be kept in safe custody without bail or mainprise, and upon conviction shall be fined in proportion to his circumstances, and suffer imprisonment at the discretion of the court, not less than twelve months; and all persons against whom there shall be any proof of aiding or favouring indirectly any person or persons who shall oppose a civil officer or use threats as aforesaid, shall be seized in like manner and committed to imprisonment as aforesaid, unless he gives good and sufficient security before a justice of the peace in the sum of at least five hundred pounds for his appearance at the next district court, there to answer such charges as may be exhibited against him by the attorney-general or other council for the State, and upon conviction shall be fined at the discretion of the court: Provided always, that all depositions taken by virtue of this Act shall be lodged with the colonel or commanding officer of the county for his indemnity.

CHAPTER XIII.

An Act for Appointing County Commissioners for Taking Affidavits in Causes of Law and Equity.

I. Whereas, the distant abode of the Judges of the Superior Courts of Law and Equity in this State, from a majority of the good people thereof, who have or may have causes in the said courts depending, wherein by the present practice of the said courts, it is necessary that affidavits should be made before some one of the judges before original or mesne process can issue in said cases, which is inconvenient, expensive and dilatory to suitors in said courts; for remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing this Act, the said judges may appoint, and they are hereby directed to appoint one prudent and discreet person in each county as a commissioner for taking affidavits relative to all causes about being instituted or depending in any of the courts of law and equity within this State, on which affidavits being certified by such commissioner to have been taken before him, the same process, orders and rules may issue from the said courts or the judges thereof respectively, as if the matter in said affidavits contained had been sworn to before the said judges in term time or in the vacation; any law, custom or usage to the contrary notwithstanding.

III. And be it also Enacted by the authority aforesaid, That for every affidavit so taken and certified, it shall and may be lawful for the said commissioners to receive the sum of four shillings, and the person under this Act appointed by the said judges, are hereby declared to have the authority thereunto competent, and any person or persons who shall, before the commissioners by virtue of this Act be guilty of swearing falsely, shall on conviction thereof suffer the pains and penalties by law inflicted on persons convicted of perjury.

CHAPTER XIV.

An Act to Impower the County Courts of Pleas and Quarter Sessions of the Several Counties in This State to Order the Laying Out Public Roads, and to Establish and Settle Ferries, and to Appoint Where Bridges Shall be Built, and to Clear Inland Rivers and Creeks.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all roads and ferries in the several counties in this State, that have been laid out or appointed by virtue of any Act of Assembly heretofore made, or by virtue of any order of court, are hereby declared to be public roads and ferries; and that from time to time, and at all times hereafter, the courts of the several counties in this State shall have full power and authority to appoint and settle ferries, and to order the laying out public roads where necessary, and to appoint where bridges shall be made, and to discontinue such roads as are now or shall be hereafter made, as shall be found useless, and to alter roads so as to make them more useful as often as occasion shall require.

II. And be it further Enacted by the authority aforesaid, That every county court within this State, is hereby authorized and impowered to call any person or persons in their respective counties to account for any monies such person or persons may have in his or their hands, by virtue of any distress heretofore made, for default of working on any road in such county, and all such monies to receive and apply towards keeping in repair the roads and bridges on which such default was made.

III. And be it further Enacted by the authority aforesaid, That all roads to be hereafter laid out shall be laid out by a jury of freeholders to the greatest advantage of the inhabitants, and as little as may be to the prejudice of inclosures, which laying out, and such damage as private persons may sustain, shall be done and ascertained by the same jury on oath, which oath shall run in these words, to-wit: "I, A. B., do solemnly swear that I will lay out the road now directed to be laid out by the court of pleas and quarter sessions, to the greatest ease and advantage of the inhabitants, and with as little prejudice to inclosures as may be, without favour or affection, malice or hatred, and to the best of my skill and knowledge. SO HELP ME GOD." And all damages hereafter to be thus assessed shall be deemed a county charge and be defrayed from the tax on each county laid for contingent charges.

IV. And be it further Enacted by the authority aforesaid, That all roads so laid off shall be deemed public roads, and shall be at the least twenty feet wide, and where to the overseers of roads it may be deemed expedient to make or repair causeways on the same roads they shall be at least fourteen feet wide, and the earth necessary to raise or cover the said causeways shall be taken from each side of the causeway equally and so as to form a drain on each side of the said causeway; and the overseers of public roads are hereby directed to have compleatly cut and cleared all stumps and runners for the width of sixteen feet in the center of the high ways under their care, of which width necessary bridges through swamps and over small runs, creeks or streams, are hereafter directed to be made.

V. And be it further Enacted by the authority aforesaid, That where a bridge shall be necessary over any place where the overseer with his assistants cannot conveniently make it, the court of that county wherein such place shall be, is hereby impowered and required to contract and agree for the building, keeping and repairing thereof, and to levy the charge in

their county; and when bridges shall be necessary over any such creek or river which divides one county from another, the court of each county shall join in the agreement for building, keeping and repairing the same, and the charge thereof shall be defrayed by both counties in proportion to the number of taxables in each.

VI. And be it further Enacted by the authority aforesaid, That all and every contract, agreement and order by the justices of the court of any of the counties aforesaid, entered into or made for or concerning the building, keeping or repairing bridges in such manner as to them shall seem most proper, shall be good against them and their successors.

VII. And be it further Enacted by the authority aforesaid, That the justices of the courts through whose counties run large water courses or creeks which from the rapidity of the water, and width of the stream may be too burthensome to build bridges and keep them in repair by a tax on the inhabitants, it shall and may be lawful for the majority of the justices of such county where it may be necessary, to contract with builders to build toll-bridges or expensive causeways, for each of which each court is hereby authorised and required to lay the toll to be paid on all persons, horses, carriages and cattle passing over the same, the revenue arising from which for such a number of years as the said courts may agree upon to be granted unto the builders of the said bridges, their heirs and successors, for the building thereof, which bridges being built under the direction of the said courts, and the revenue arising from the toll thereof so granted, the said builder or builders, his or their heirs or successors, shall keep in constant repair at his or their sole expence, in default of which on conviction they are hereby declared to forfeit all right and title to the toll allowed by the court.

VIII. And be it further Enacted by the authority aforesaid, That the court of the said counties shall annually appoint overseers of the highways or roads, who are by this Act obliged to summon all male taxables from the age of sixteen to fifty (except such persons as are or shall be exempt from public services by the Assembly) within their district to meet at such places and times as to them shall seem convenient for the repairing or making such roads as shall be necessary, and except such as are or have been heretofore by law excused from appearing at musters, and such as send three slaves or other three sufficient hands to work on the public roads; and whosoever shall upon such summons refuse or neglect to do and perform their duty therein shall forfeit and pay the sum of five shillings per day for each person so neglecting or refusing, to be recovered by a warrant from any justice of the county and paid by the sheriff or constable to the overseer, and by him to be expended in hiring other hands to work on said roads.

IX. And be it further Enacted by the authority aforesaid, That any person refusing to serve as overseer on any road agreeable to the order of the county court in which he resides, shall forfeit and pay the sum of twenty pounds, to be recovered and applied as other fines and forfeitures by this Act directed. Provided, That no person shall be compelled to serve as overseer of a road in any county more than one year in three. Provided nevertheless, That nothing herein contained shall be construed to exempt overseers of slaves from working on roads. Provided also, That the overseer shall give notice to each free person or the masters, mistresses or overseers of slaves, what kind of tools they and each of them shall bring and work with on the roads at the time of summoning, and that the several persons summoned by the overseers to work on the roads as aforesaid shall

not be liable to any fine for not appearing and doing their duty unless they shall be so summoned three days before the day appointed for working.

X. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for an overseer if required by the majority of the workmen on the road assigned him, to lay off the road in equal apartments for the ease of the labourers, who shall finish his or their parts in a time agreed on between him and each free person, master, mistress or overseer, and on default of any agreeing party the overseer is hereby authorised to cause such part to be finished by hire of other persons to do the same, and thereon to tender his account and demand payment, and on refusal to warrant for the same, and to recover the money to his own use: Provided, the time agreed upon shall not exceed ten days.

XI. And be it further Enacted by the authority aforesaid, That all overseers of roads shall cause to be set up at the forks of all roads within their several districts, a post or posts with arms pointing the way of each and every road, with directions to the most public places to which they lead, with the number of miles from that place as near as can be computed; and every overseer who shall neglect or refuse to do and keep the same in repair shall forfeit and pay for every such neglect the sum of five pounds, to be recovered before any justice of the peace, and applied as other fines in this Act are directed; and every person or persons who shall wantonly remove, knock down or deface the said arms, shall for every such offence forfeit and pay the sum of five pounds.

XII. And be it further Enacted by the authority aforesaid, That the several overseers of the roads, within twelve months next after the passing of this Act, shall cause the public roads within their districts respectively, to be exactly measured, where the same has not already been done, and shall at the end of each mile, mark in a legible and durable manner the number of such miles, beginning, continuing and marking the numbers in such manner and form as the courts of the counties shall severally and respectively direct; and every overseer shall keep up and repair such marks and numbers within his district; and every overseer neglecting or refusing to mile mark, or to repair the mile marks within his district according to the intent and meaning of this Act, for the space of thirty days after their appointment to office, shall forfeit and pay the sum of forty shillings, to be recovered by a warrant before any justice of the peace.

XIII. And be it further Enacted by the authority aforesaid, That if any person or persons whatsoever shall erect or cause to be erected across any public road any bars, he shall be subject to pay to any person who may sue for the same the sum of five pounds, to be recovered before any justice of the peace, to the use of the person who may sue for the same; Provided always, That no gate on any toll-bridge shall be considered as liable to the fine hereby imposed, and no person shall turn, alter or change any public road unless it be by the order of the court of the county, founded upon the report of a jury appointed and sworn as in the cases of laying off new roads, under the penalty of five pounds for each month such road is turned out of the old course without an order of court, to be recovered on a warrant before any justice of the peace by any person suing for the same, and that the old road shall in no case be shut up until the overseer shall certify to the Court that the new opened road is in good and sufficient order.

XIV. And be it further Enacted by the authority aforesaid, That all overseers of roads who shall refuse or neglect to do their duty as is by this Act directed, or who shall not keep the roads and bridges clear and in repair, or let them remain uncleared or out of repair for and during the space

of fifteen days, unless hindered by extreme bad weather, such overseer shall forfeit for each and every such offence the sum of forty shillings over and above such damage as may be sustained, to be recovered by a warrant from any justice of the peace by any person taking out the same, and to be applied to his own use.

XV. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the courts of each and every county in this State shall have full power and authority, and they are hereby directed and required to compel all persons that now do or shall hereafter be appointed to keep a public ferry, or who shall own a bridge receiving toll within the said counties, to give good and sufficient security in the sum of five hundred pounds, payable to the chairman of the said court and his successors, with condition that he or they shall and will constantly find, provide and keep good and sufficient boats or other proper crafts, and keep such bridges in good repair as the case may be, and always to be well attended for travellers or other persons, their horses, carriages and effects over any river or creek; and if any person shall receive damage by any ferryman or keeper of a toll bridge, not having complied with the condition of his bond, the person receiving such damage shall and may bring an action of debt against such ferryman or bridge keeper on such bond in the name of the chairman, and recover for the non performance of the said condition so much damages as he, she or they shall appear to have sustained, and thereupon take out execution for whatever shall be so recovered, and apply the same to his, her or their own use; and it shall and may be lawful for any person detained at any public ferry by reason of the ferryman's not having sufficient boats, or other proper crafts and hands, or by neglecting to do his duty, by a warrant, from a justice of the peace to recover of such ferryman the sum of five pounds for every such default or neglect: Provided that any such recovery shall not be deemed to bar any action for personal damages suffered by any person or persons by reason of the insufficiency of said ferries and boats thereon, and bridges and causeways.

XVI. And, whereas, the opening and cleansing the inland rivers and watercourses within this State may tend to the ease of the inhabitants in the carriage of the produce of the country to market, and be of general utility: Be it therefore Enacted by the authority aforesaid, That the majority of the justices of the county courts shall, and they are hereby authorised and impowered where an inland river or stream shall run through the county of which they are justices, by order of court to appoint commissioners to view and inspect such river, and make out a scale of the expence of labour with which the opening and clearing the same will be attended, and if the same shall be deemed within the compass of the abilities of the county, and shall judge the burthen will be compensated by the utility, to appoint and authorise the commissioners to proceed in the most expeditious manner in the opening and cleansing the same, by taking such hands off the making or repairing the public roads as the court shall permit and direct to be appropriated for such work, which hands shall be placed under overseers in companies, every overseer and company to have a distinct portion of such rivers or streams laid off by the court, which overseers and men of companies are hereby subject to the same rules and double the penalties as by this Act imposed on the overseers and working hands upon public roads. Provided, No overseer or hands appointed to open and cleanse navigable rivers and streams shall be compelled to work on public roads.

XVII. And be it further Enacted by the authority aforesaid, That all

fines and forfeitures mentioned in this Act, and herein not applied, shall be applied to the use of the county.

XVIII. And be it Enacted by the authority aforesaid, That all and every public act relative to roads and water courses, and coming within the meaning and purview of this Act is and are hereby repealed and made void to all intents and purposes whatsover. Provided nevetheless, That nothing in this Act contained shall be construed to alter the method of working on and clearing the rivers Neuse, Dan, Roanoke and Trent in the manner by the laws hereofore enacted is directed.

CHAPTER XV.

An Act to Prevent Unjust Appeals, and to Impower the County Courts in this State to Provide for the Safe Keeping the Estates of Ideots and Lunatics.

I. Whereas, an Act for the above purposes is necessary and would be attended with general utility;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority thereof, That whenever upon the allowance of an appeal from a judgment in any county court in debt or otherwise, such judgment shall be affirmed in the Superior Court, or the appellant should discontinue his appeal, then such appellant shall pay to the plaintiff in the original action at the rate of six per cent. upon the judgment so affirmed, the total sum mentioned in the judgment appealed from, computing from the time of the appeal to the affirmance of the judgment, and the said interest shall be added to the said judgment in the Superior Court, and execution shall issue for the same; and in every bond to be given for the obtaining of an appeal from a judgment in any county court, mention shall be made in the condition thereof of the said six per cent. be paid by the parties bound, in case of an affirmance of the judgment of such county court.

III. And, whereas, there are in divers parts of this State ideots and lunatics possessed of considerable property who waste and destroy the same, and make improvident dispositions thereof; Be it therefore Enacted, That it shall and may be lawful for every county court in this State wherever any such ideots or lunatics shall be within the jurisdiction thereof, to appoint him or her a guardian, taking bond for the faithful administration of the trust reposed in them, in the same manner as bonds are taken from the guardians of orphans; and such guardians when so appointed shall continue during the pleasure of the court, and shall have the same powers to all intents, constructions and purposes, and shall be subject to the same rules, orders and restrictions, as guardians of orphans appointed by the court, such ideotcy or lunacy to be ascertained by the inquisition of a jury by virtue of a writ to be issued by such court to the sheriff of the county for that purpose.

CHAPTER XVI.

An Act to Repeal an Act of the Last General Assembly, Intituled, An Act Ceding to the Congress of the United States Certain Western Lands Therein Described, and Authorising the Delegates from This State in Congress to Execute a Deed or Deeds for the Same.

I. Whereas, at the last General Assembly, began and held at Hillsborough on the nineteenth day of April last, an Act was passed ceding to the Con-

gress of the United States certain Western lands therein described, and authorising the delegates from this State in Congress to execute a deed or deeds for the same, which territory when ceded was to be considered as a common fund for the use and benefit of such of the United American States as now are, or shall become members of the confederation or federal alliance: And, whereas, the cession so intended was made in full confidence that the whole expence of the Indian expeditions and militia aids to the State of South Carolina and Georgia should pass to account in our quota of the continental expences incurred by the late war: and also that the other States holding Western territory would make similar cessions, and that all the States would unanimously grant imposts of five per cent. as a common fund for the discharge of the federal debt: And, whereas, the States of Massachusetts and Connecticut, after accepting the cession of New York and Virginia, have since put in claims for the whole or a large part of that territory, and all the above expected measures for constituting a substantial common fund, have been either frustrated or delayed:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That an Act of the last General Assembly, intituled, "An Act ceding to the Congress of the United States certain Western lands therein described, and authorising the delegates from this State to execute a deed or deeds for the same," shall be and the same is hereby repealed, and every clause and article thereof declared null and void to all intents and purposes as if the same had never been made.

CHAPTER XVII.

An Act for Obtaining an Accurate Account of the Militia Service During the Late War, in Order that the Claims of This State Upon the United States May Be Ascertained.

I. Whereas, several States in the Union have made claims for militia service, and particular expeditions which do not fall within the description of such services as Congress have determined should be carried to the charge of the United States; and, whereas, many expeditions undertaken by the militia and other troops of this State without the express direction of Congress or any continental commander, were of such nature and so circumstanced as to preclude the possibility of an application to Congress or any such commander, without hazarding the safety of the State and endangering the common cause: In order therefore that the services and expenditures of this State in the cause of the United States may be the more easily and accurately ascertained,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That immediately after ratification of this Act, the Governor or commander-in-chief for the time being shall issue his orders to the brigadiers or commanding officers of the respective districts to collect from the different officers in such districts, and from such as have been officers at any time during the war or their representatives, complete muster rolls of all militia that have at any time been in service since the nineteenth day of April, in the year one thousand seven hundred and seventy-five, or other sufficient documents thereof, in which shall be specified the number of men, the continuance of each tour of duty, and under what command called out and continued in service.

III. And be it further Enacted by the authority aforesaid, That the several brigadiers or commanding officers shall call upon all officers within their respective districts, and all others who have acted as officers at any time during the war or their representatives, as well those who have filled the office of brigadiers as others for all such muster rolls, letters from superior officers, and other documents of whatever kind, whether from civil or military authority, which may now be in the possession of them, or which they or any of them have in their power to procure; and all demands and requisitions made by virtue of this Act shall be in writing; and the colonels or commanding officers of counties shall issue their orders in like manner to the other field officers and captains in their respective districts, and when any person who acted as an officer of any denomination shall be dead or removed, the requisition in case of death shall be made to the representatives of the deceased person, and in case of removal (if to any other county in the State) to the commanding officer of such county; and the several brigadiers and other officers are hereby required and directed to call on all and every person and persons who may have in their possession any of the documents required by this Act, and if any person or persons shall refuse or neglect to deliver any muster rolls, letters or documents required by this Act, or shall refuse or neglect to certify and authenticate such muster rolls, letters or documents, or shall refuse or neglect to give such information in writing as he may be possessed of, the person so offending shall forfeit and pay the sum of fifty pounds, to be recovered by action of debt in the name of the Governor for the time being, in any court of record having cognizance thereof.

IV. And be it further Enacted by the authority aforesaid, That the Governor for the time being shall cause to be collected all letters from general officers of the United States, all orders for calling into actual service the State regiment and militia, and all letters from continental officers to the executive authority of this State, as also to call upon the comptroller for such papers and documents as may be in his office as have a tendency to support the demands hereby intended to be made, and have fair copies made of such letters or orders, or such extracts from the letters as may be necessary to effect the purposes intended by this Act; and the Governor for the time being is required to use all possible dispatch in every part of the business required by this Act, so that the necessary documents may be in readiness to be forwarded to the delegates of this State in Congress on or before the first day of October next, and to forward them accordingly as soon as they shall be prepared for that purpose.

V. And be it further Enacted by the authority aforesaid, That the Governor shall by virtue of this Act instruct the delegates of this State in Congress to lay the above-mentioned documents before Congress, and in the name of the State to require that this State shall have credit with the United States for the expence of the different expeditions and militia service in such manner as may be consistent with equity and justice, having a due regard to the remote situation of this State from Congress and the commander-in-chief during a great part of the war, and to the pressing necessity of the different services when there was no continental general in the Southern department.

CHAPTER XVIII.

An Act to Amend an Act Passed at the Last Session of the General Assembly, Intituled, "An Act for the Relief of Such Persons as Have Been Disabled by Wounds or Rendered Incapable or Procuring for Themselves and Families Subsistence in the Militia Service of This State, and Providing for the Widows and Orphans of Such as Have Died.

I. Whereas, the mode prescribed in the before recited Act for the relief of persons therein described, is found to be inconvenient to those who apply to the General Assembly, and an estimate of the amount, such applications and advances from the public treasury cannot be made with ease and precision;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That at the first court which shall be held in each county after the first day of January in every year, the justices of the several county courts are impowered, and they are hereby authorised and required to receive the applications of all persons within their counties respectively of the description mentioned in the aforesaid Act, and thereupon determine such sum of money as they may judge necessary for the relief of such persons for one year, and enter the same upon record.

III. And be it further Enacted by the authority aforesaid, That the said several county courts at their first session on or after the first day of January in every year, are impowered, and they are hereby authorised and required to levy a tax within their respective counties, on the same principles and in the same proportion with respect to land, polls and other taxable property prescribed for public and county taxes, as may be sufficient to pay and discharge the several sums which may be granted for the relief of the persons described as aforesaid.

IV. And be it further Enacted by the authority aforesaid, That the tax so laid for the purpose aforesaid, shall be collected and accounted for by the same officers, and under similar rules, regulations and penalties; and they are entitled to the same emoluments as are or may be provided for the collection and payment of public and county taxes within this State.

V. And be it further Enacted by the authority aforesaid, That the tax collected as aforesaid, shall be paid into the hands of some discreet person appointed by the court as treasurer for that purpose, who shall enter into bond with sufficient security, conditioned for the faithful discharge of the trust reposed in him, and whose duty it shall be to receive the said tax, and pay out the same agreeable to the order of the said courts from time to time; for which service the said treasurer shall be allowed two per cent. and no more: and every of the treasurers so appointed as aforesaid, shall lay before their respective county courts annually a fair state of their several accounts, under the penalty of two hundred pounds, recoverable in the said county courts respectively, and applied in aid of the county tax.

VI. And be it further Enacted by the authority aforesaid, That the several treasurers aforesaid shall, and they are hereby required, in the latter end of every third year after the first day of January next, to transmit to the public treasurer a fair and just statement of all their receipts and payments during the three preceding years, for the relief of the persons before described respectively, under the penalty of five hundred pounds, to be recovered and applied to the use of the State; and the said public treasurer is hereby required to lay the said accounts before the next General Assembly, in order that the same may be examined, and due credit given to such

counties as may have advanced more than their equitable share of money for the purposes aforesaid.

CHAPTER XIX.

An Act to Prevent the Issuing of Grants for Lands on the Western Waters to Such as Have Paid for the Entry Thereof in Counterfeit Certificates, and Until the Surveyors' Fees Shall be Paid, and Making Provision for Those Who May Have Entered Lands Previously Located by Others.

I. Whereas it hath been made known unto this General Assembly by the entry-taker appointed under an Act of Assembly passed at Hillsborough on the eighteenth day of April, in the seventh year of American independence, intituled, An Act for opening the land office for the redemption of specie and other certificates, and discharging the arrears due to the army, that large sums of counterfeit specie certificates have been paid into his office for entries of lands made under the said Act, for which grants have not yet been issued from the secretary's office as by the said Act is directed.

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the said entry-taker to deliver to the secretary of state, all such counterfeit certificates so received with an endorsement of the persons by whom paid, which certificates shall be accompanied with descriptive lists of each parcel of the counterfeit certificates as aforesaid, containing an account of each certificate, the board of auditors in whose name issued, and the person to whom said to be issued, the amount of certificates, by whom paid, with the quantity of land and number of entry, which shall be subject to a detention of grant as by this law directed, to which the entry-taker aforesaid or his assistant in office shall subjoin the following affidavit: "I do swear that the above list is just and true to the best of my knowledge, SO HELP ME GOD." Which oath the secretary of State is hereby required and impowered to administer.

III. And be it further Enacted by the authority aforesaid, That the certificates being returned into the said office of the secretary of State under the restrictions before recited, it shall and may be lawful for said secretary to stop in his office the grants of lands for which the entries thereof have been paid for in counterfeit certificates, agreeable to the entry taker's return aforesaid, until the same shall be exchanged by the person or persons claiming such grant, with good and true specie or other certificates to the same value as by law directed to the amount of such counterfeit certificates paid for the same, or with the paper currency of this State, emitted under the Act of Assembly passed at Hillsborough in the month of April, one thousand seven hundred and eighty-three, intituled, An Act for emitting one hundred thousand pounds in paper currency for the purposes of government for seventeen hundred and eighty-three, for the redemption of paper currency now in circulation, and advancing to the continental officers and soldiers part of their pay and subsistence, and for levying a tax and appropriating the confiscated property for the redemption of the money now to be emitted.

IV. And be it further Enacted by the authority aforesaid, That the secretary shall give the entry taker a certificate of the amount of counterfeit certificates by him received by virtue of this Act, which certificate shall be a sufficient voucher for said entry taker in passing his public accounts; any law, usage or custom to the contrary notwithstanding.

V. And whereas the surveyors appointed by the last General Assembly to survey and lay off the lands on the western waters, from the far distant residence of the numerous proprietors may find it impracticable to collect the fees for their services: Be it therefore Enacted by the authority aforesaid, That where the persons claiming grants under their entries and surveys shall not produce receipts of their having paid the surveyor or surveyors, then it shall and may be lawful for the secretary of State to demand and receive the same, and without discharge of which he is hereby directed to stop the said grants.

VI. And be it Enacted by the authority aforesaid, That if any person or persons shall have (by virtue of the law commonly called the land law now in force in this State) located his or their entry to any spot or piece of ground on which any other person or persons shall have previously located an entry or entries that then and in that case the person or persons making such entry or entries, or their assignee or assignees shall be at full liberty to remove his or their warrant or warrants to any other lands on which no entry or entries have been previously specially located; and the surveyor or surveyors are hereby authorised and required to survey and make return thereof in like manner as for other surveys and return as by law directed.

VII. And be it further Enacted by the authority aforesaid, That in case it shall happen that there is not a sufficient quantity of tillable land within the boundaries laid off for the officers and soldiers of the continental line of this State, the deficiency shall and is hereby directed to be made up on any unappropriated lands within the limits of this State, any law to the contrary notwithstanding.

CHAPTER XX.

An Act to describe and ascertain such persons who owed Allegiance to this State, and to impose certain Disqualifications on certain persons therein described.

I. Whereas the citizens of this State at the expence of much blood and treasure have emerged from a cruel and dangerous war, and whereas sundry persons who resided within this State, and who by every moral and political obligation owed obedience and allegiance to the same being lost to a sense of the rights of mankind, attached themselves to the then common enemy and continued with them throughout the late war, whereby the calamities thereof were greatly increased. And whereas in all well regulated governments it is just and necessary to prevent all such persons as may be dangerous to the harmony of the community from participating in the public councils and in the government thereof;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all and every person above the age of twenty-one years, who at any time voluntarily attached himself to, or traiterously corresponded with, or in any manner aided or abetted the British troops in prosecuting the late war, shall be incapable of holding and exercising the office of Governor, counsellor of State, delegate in Congress, judge or justice of the peace, member of the General Assembly, sheriff, coroner, clerk of a court and all military offices.

III. And be it further Enacted by the authority aforesaid, That any person of the above description offering himself as a candidate or consenting to serve as a member for any county in the General Assembly of this

State, shall forfeit and pay the sum of fifty pounds for every such offence, to be recovered in any court of record within this State, one half to be applied to the use of the prosecutor and the other half to the use of the county where such offence may happen.

IV. Provided nevertheless, That nothing contained in this Act shall be construed to encourage or permit the return to this State of any person who may have been a resident of the same, and who has at any time during the late war attached themselves to the enemy, and who may have acted by commission or otherwise as officers, in any military or judicial department, and who have not submitted to the laws of this State before the day of the ratification of the definitive treaty.

CHAPTER XXI.

An Act for Altering the Oath of Allegiance, and the Oath and Affirmation of Fidelity.

I. Whereas the oath of allegiance and abjuration required to be taken by persons holding places of trust and profit, and the oath and affirmation of fidelity were framed in the infancy of the present government, when the dominion and sovereignty of this State were claimed by the king and parliament of Great Britain: And whereas by the late treaty of peace the said king hath expressly acknowledged this State, and the other United States, to be free sovereign and independent: It is therefore become necssary that the oaths and affirmation should be altered.

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same: That every person who shall hereafter be elected a member of the General Assembly or who shall be appointed to hold any office of trust or profit in this State, shall before taking his seat in the General Assembly or executing the office to which he shall be appointed, make oath to, repeat and subscribe the following form, viz.: "I, A. B., do solemnly and sincerely swear that I will be faithful and bear true allegiance to the independent State of North Carolina, and to the powers and authorities which are or may be established for the government thereof, not inconsistent with the constitution; and I will do my utmost endeavour to disclose and make known to the legislative or executive powers of the said State, all treasons and traiterous conspiracies which I shall know to be made or intended against the said State: and I do faithfully promise that I will endeavour to support, maintain and defend the independence of the said State against all persons and powers whatsoever; and all these things I do plainly swear according to these express words by me spoken, and according to the plain and common sense and signification of the same words, heartily, willingly and truly, and without any equivocation, mental evasion or secret reservation whatsoever. SO HELP ME GOD."

III. And be it further Enacted by the authority aforesaid, That all persons hereafter to be admitted citizens of this State, or who shall be required to take an oath of allegiance and fidelity thereto (Quakers, Moravians, Menonists and Dunkards excepted) shall take and subscribe the following oath, that is to say: "I, A. B., do swear that I will be faithful and bear true allegiance to the State of North Carolina, and I will truly endeavour to support, maintain and defend the independent government thereof, against all powers and persons who by secret arts or open force shall endeavour to subvert the same, and will in every respect conduct myself as a peaceable orderly citizen, and that I will disclose and make known to the legislature,

or some person or persons in civil authority, all treasons, conspiracies or attempts committed or intended against the said State which shall come to my knowledge, SO HELP ME GOD." And all Quakers, Moravians, Menonists and Dunkards to be admitted citizens, or who shall be required to testify their fidelity to the State, shall make the following affirmation, that is to say: "I, A. B., do solemnly and sincerely declare and affirm that I will pay obedience to the independent State of North Carolina, and to the powers and authorities which are or may be established for the good government thereof, and that I will disclose and make known to the legislature or some person or persons in civil authority, all treasons, conspiracies or attempts committed or intended against the said State which shall come to my knowledge." Provided always, That this Act shall not be in force until after the first day of April next.

CHAPTER XXII.

An Act to amend an Act intituled, An Act for altering the time of holding the annual Elections and Annual Assemblies, and directing the manner of electing annual Officers for the succeeding year.

I. Whereas it is found highly inconvenient to the members of the General Assembly to give their attendance on the first Monday in October annually;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority of the same: That the next annual meeting of the General Assembly shall be on the first Monday in November next; and annually on the same day in each succeeding year: and that it shall and may be lawful for the first Assembly, at their first annual meeting to choose a Governor and other officers of State, to succeed such as may be now chosen by the General Assembly.

III. And be it further Enacted by the authority aforesaid, That so much of the aforesaid Act as comes within the meaning and purview of this Act, be and is hereby repealed and made void.

CHAPTER XXIII.

An Act to prevent persons holding Offices of profit from enjoying seats in the General Assembly.

I. Whereas it is contrary to the spirit of the constitution, and the principle of a genuine republic, that any person possessing a lucrative office, should also hold a seat in the general representative of the people:

II. Be it therefore Enacted by the General Assembly of North Carolina, and if is hereby Enacted by the authority of the same, That from and after the present session of the General Assembly, every person holding a public office of profit, either by stated salary or commissions, shall be and they are hereby declared to be incapable of being elected as members to serve in the General Assembly, or to enjoy seats therein; and any member of the General Assembly who shall accept any such office shall thereby vacate his seat, any law, usage or custom to the contrary notwithstanding.

CHAPTER XXIV.

An Act to limit the time of the continuance of the several Boards of Auditors in this State, and of the Board for settling and liquidating the accounts of the Continental Officers and Soldiers to a certain period, and to impower the Treasurer to pay out of the Tax for the year Seventeen Hundred and Eighty-Four the money which was to have been paid agreeable to an Act of Assembly passed at Hillsborough in June last.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That each of the boards of auditors in this State shall continue to sit and execute the business of its institution for thirty days between the passing of this Act and the first day of February next, and shall from and after the said time be, and each of the said boards are hereby dissolved: and also the board for settling and liquidating the accounts of the officers and soldiers of the continental line belonging to this State shall continue to sit and exercise the powers with which they are invested by law, until the first day of February next, and afterwards shall be dissolved and entirely annihilated. And each of the boards above mentioned shall as soon as may be after the passing of this Act, give public notice in the North Carolina Gazette where it may be conveniently done, or if it cannot be done then in the most public places in the district wherein each of the said boards have usually been set.

II. And be it further Enacted by the authority aforesaid, That the public treasurer be and he is hereby required to pay into the hands of Benjamin M'Culloch and Henry Montfort, the ballance yet deficient of the sum directed to be paid into the hands of the commissioners for settling and liquidating the officers and soldiers accounts by an Act passed at Hillsborough in June last, out of the monies arising from the tax for the year one thousand seven hundred and eighty-four; and that their receipts for such money shall be a voucher for the treasurer in the settlement of his accounts with the public.

III. And be it further Enacted by the authority aforesaid, That upon the commissioners appointed to settle and liquidate officers and soldiers accounts, settling any account with officer or soldier not having money in their hands, they shall issue to such person a certificate for three fourths of the sum due, agreeable to law.

IV. Whereas the auditors for the district of Hillsborough, by removal and refusal will leave the said district without persons to settle and adjust the accounts thereof: Be it therefore Enacted by the authority aforesaid, That John Young, Samuel Smith and Alexander Mebane, shall be and they are hereby appointed auditors for the said district, which persons before entering on their office shall take the oath appointed by law.

CHAPTER XXV.

An Act to Establish in the Towns of Edenton, Washington, New Bern and Wilmington, Courts for the speedy decision of Mercantile Transactions with Foreigners and Transient Persons and of Maritime affairs.

I. Whereas the justice and policy of a rising commercial republic requires that all foreigners, transient persons, owners, masters, supercargoes or mariners of all foreign vessels, and all mariners and sea faring men whatever, and affairs maritime and mercantile should not be subject to the delays arising from the forms of courts of law heretofore established.

II. Be it Enacted by the General Assembly of the State of North Carolina,

and it is hereby Enacted by the authority of the same, That for each of the towns of Edenton, Washington, New Bern and Wilmington, a judge shall be appointed by the General Assembly, who on any complaint made of wrong done or contract broken by, or to any foreigners, transient persons, owners, masters, supercargoes or mariners of foreign vessels, or any seafaring men, or on any subject whatever of a maritime or mercantile nature relative to the above description of persons in the above named towns, or in the ports, harbours, inlets or towns situated within the respective districts of Edenton, Washington, New Bern and Wilmington aforesaid, then the said judge shall by his precept directed to the sheriff, cause to be summoned before him, the parties and all and every person who can give testimony in the cause to appear before him, and a jury of good and lawful men of the above mentioned places or neighbourhood thereof; to whom shall be allowed the usual challenges, that of want of freehold excepted; who are to decide in the matter of controversy depending, agreeable to the laws merchant and maritime, and amongst civilized nations, and the decision shall be made within twelve days from the notice issued.

III. And be it further Enacted by the authority aforesaid, That the courts by this Act established shall have cognizance of all matters and things in action relative to or proceeding from the laws heretofore made or hereafter to be made for seizures of vessels or imported merchandizes, or to fines or forfeitures for defrauding the revenues of this State.

IV. And be it further Enacted by the authority aforesaid, That if any person or persons shall think himself or themselves aggrieved by any decision made in the courts aforesaid, then it shall and may be lawful for him or them to appeal to the succeeding court of law and equity within their respective districts on the equity side of the said courts to which the said appeal is prayed and returned, the cause shall be finally heard and determined, and if the person or persons praying such appeal are residents of this State, and the decree of the superior court of law and equity shall be for the appellee or appellees, then shall the said citizen with amount of judgment affirmed be obliged instanter to pay the same and treble cost of suit for the use of the appellant.

V. And be it further Enacted by the authority aforesaid, That all process from the courts by this Act established shall have equal power and authority with other process from any court of record within this State, of which number the said courts hereby established shall be held and deemed to all intents and purposes.

VI. And be it further Enacted by the authority aforesaid, That unto the courts by this Act created shall be added the jurisdiction heretofore exercised by courts of admiralty in this State, with the powers and authorities thereunto incident.

VII. And be it further Enacted by the authority aforesaid, That the proceedings in the courts hereby established shall be by libel or petition and answer, and that the rules of decision shall be the law of nations, the custom of merchants, the ordinances of Congress, and commercial treaties of the United States.

VIII. And be it further Enacted by the authority aforesaid, That to the said courts shall be allowed two officers, to wit, register and marshall; and on every cause the judge shall be entitled to the following fees, to wit; on every cause first day one pound six shillings and eight pence; on every day more than one sitting thirteen shillings and four pence; for warrant of arrest or other warrant two shillings; for admitting libel or petition two shillings; for filing answer two shillings; for every citation two shil-

lings; for every definitive sentence ten shillings. Register the following fees, to wit: for filing every paper one shilling; registering libel, answer, replication or decree, five shillings; taking every affidavit in writing one shilling; dismission of suit, continuance and citation, one shilling and six pence; for every subpoena one shilling. And the marshall shall be allowed the following fees, to wit: for service and return of every warrant, decree, citation, movition or notice, five shillings each; for attending every day the court shall sit, and two and an half per cent. on all sales made in virtue of a decree of said court, five shillings; and all costs of suits shall be paid by the party cast. Provided always, That this Act shall not extend to any foreigner or foreigners, or other persons who shall have resided six months in this State. And Provided always, That no debt shall be sued for and recovered in virtue of this Act, unless the contract was made or the debt created within this State.

CHAPTER XXVI.

An Act to prevent Horse-Stealing.

I. Whereas it is represented to this General Assembly that a banditti of rogues have confederated to steal horses in the frontiers of this State, and the neighboring States, and by shifting them from one to another pass them through many hands so suddenly and secretly that when one is detected with a stolen horse they have witnesses among themselves to enable the possessor to prove a purchase from a second, and he from a third, and during the time necessarily taken up in proving the pretended past purchases, the confederated villian who first stole the horse has notice from the others to make his escape and elude justice.

II. Be it therefore Enacted by the General Assembly, and by the authority of the same, That from and after the passing of this Act every person who shall purchase or obtain by swap any horse, mare or gelding, shall take a bill of sale for the same, attested by one or more witnesses, and shall take a written certificate thereof before some justice of the peace; which bills of sale and certificates shall set forth the names of the parties, the places of their abodes, and the colour and description of the horse, mare or gelding so sold or swapped.

III. And be it further Enacted by the authority aforesaid, That no person prosecuted for stealing any horse, mare or gelding, shall on his trial for the same be permitted to give in evidence or alledge for his acquittal any purchase or swap, unless a bill of sale or certificate of such sale or swap from some justice of the peace was actually obtained.

CHAPTER XXVII.

An Act to alter the time of holding the several County Courts of Pleas and Quarter Sessions therein mentioned, and for appointing a Vendue Master in the Town of Edenton.

I. Whereas the times appointed by law for holding the county courts of pleas and quarter sessions of Nash, Mecklenburgh, Lincoln, Greene, Washington and Sullivan counties, are found to be inconvenient;

II. Be it therefore Enacted by the General Assembly, and by the authority thereof, That from and after the passing this Act the county courts of pleas and quarter sessions of the county of Mecklenburgh shall be held on the

fourth Mondays of December, March, June and September; of Lincoln on the first Mondays in January, April, July and October; of Greene on the first Mondays in May, August, November and February; of Washington on the second Mondays in said months; of Sullivan on the third Mondays in said months.

III. And be it further Enacted by the authority aforesaid, That all suits, causes, matters and things depending in the said courts, every recognizance and every process continued or returnable to the days heretofore appointed by law for holding the said courts, shall stand continued and returned to the days appointed by this Act for holding the said courts, and shall have the same force, effect and validity, as if they had been continued and made returnable to the days appointed by this Act for holding said courts.

IV. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the county courts of Nash shall be held on the second Mondays in February, May, August and November; and the justices of the said county court are hereby authorised and required to hold the next county court on the said second Monday in February next; and all returns of writs, recognizances and other documents, shall be made on the said second Monday of February next; and all proceedings thereon shall be good and valid in law, as if the same had been returned on the first Monday of January, any law to the contrary notwithstanding.

V. And whereas Edmund Blount, who was appointed vendue master for the town of Edenton by Act of Assembly passed at Hillsborough, then was and still continues to be sheriff of the county of Chowan, by which means the first office remains vacant; Be it therefore Enacted by the authority aforesaid, That Matthew O'Mally be, and he is hereby appointed vendue master of the town of Edenton, in the room of the aforesaid Edmund Blount, to have and enjoy the same privileges and emoluments, and to be under the like penalties, regulations and restrictions, any law to the contrary notwithstanding.

CHAPTER XXVIII.

An Act for dividing the District of Morgan.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the district of Morgan be divided in the following manner, that is to say: The counties of Burke, Lincoln, Rutherford and Wilkes, shall be and remain the district of Morgan; and the counties of Washington, Sullivan, Davidson and Greene, immediately after the passing this Act shall be and are hereby declared to be a distinct and separate district by the name of Washington; and an assistant judge and attorney general shall be nominated and appointed by the General Assembly for the superior court of law and equity for the said district, and to exercise the same powers, and to have the same privileges and emoluments within the said district as the judges and attorney general within this State hold and exercise, and shall twice every year sit and hold a superior court of law and equity, one session thereof beginning on the fifteenth day of February, and the other on the fifteenth day of August annually; and the said sessions respectively shall each be continued by adjournment for ten days, exclusive of Sundays, unless the business depending in such court shall be sooner finished.

II. And be it further Enacted by the authority aforesaid, That the

judges of the said superior court of law and equity for the said district of Washington shall possess and exercise as full and ample power and authority in all causes, matters and business whatsoever, both in court and out of court within the said district of Washington as the judges of the several superior courts of law and equity for this State do now possess or may exercise in any other district of this State: and the judges shall be allowed for attendance and service at every court held for the said district of Washington, the sum of fifty pounds each; and the attorney-general, or in his absence such gentleman as the court shall appoint to transact the business in his department, the sum of forty pounds.

III. And be it further Enacted by the authority aforesaid, That the several county courts in the said district of Washington, at their respective sessions next before the sitting of the superior court of law and equity therein, shall appoint persons to serve as grand and petit jurors at the same as follows: In Washington fifteen, in Sullivan twelve, in Greene twenty-one; who shall receive the same pay, and be liable to the same penalties as jurymen appointed to serve at the superior courts of law and equity in other districts.

IV. And be it further Enacted by the authority aforesaid, That the county courts of Morgan district shall appoint jurymen to serve at the superior courts of law and equity therein as follows: Burke, sixteen; Lincoln, thirteen, Wilkes, nine; Rutherford, ten.

V. And be it further Enacted by the authority aforesaid, That if the day of the month as above prescribed for the first day of any term of said superior court of law and equity for the district of Washington shall happen to be Sunday, then such term shall begin on the day following; and that the same courts for the district of Washington shall be held at Washington court house until some other place shall be appointed by Act of Assembly.

VI. And whereas one judge cannot decide on demurrers, writs of error, and other matters that may arise before said judge; Be it therefore Enacted by the authority aforesaid, That when any one of the Judges of the former superior courts of law and equity shall attend said court; he shall be allowed the sum of eighty pounds for his services.

CHAPTER XXIX.

An Act for the encouragement of Learning in the District of Salisbury.

I. Whereas it appears to this General Assembly by the petition of the trustees of an academy at Charlotte in Mecklenburg county, lately known by the name Liberty Hall, that from various reasons the same is in an entire state of decay, and that it would be more eligible to have an academy for the education of youth at or near Salisbury, in the county of Rowan; and whereas the General Assembly are at all times disposed to give every proper encouragement for the promotion of learning, virtue and religion;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority of the same: That his excellency Governor Martin, the Hon. Samuel Spencer, Abraham Alexander, John M'Knitt Alexander, Adlai Osborn, Samuel M'Cockle, James Hall, David Caldwell, Spruce M'Coy, Anthony Newnan, William H. Harington, Matthew Locke, Thomas Polk, William Sharpe, Adam Alexander, Peter Randolph, Joseph Williams, Benjamin Herndon, George Henry Burger, Joseph Winston, John Brown, William Hill, Caleb Pfifer, Joseph Dickson, John Walker, Charles M'Dowall, Thomas Frohock, Valentine Beard, John Lewis Beard,

Sam. Shutes, John Steele, Maxwell Chambers and Matthew Troy, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of 'The trustees of Salisbury academy,' late known by the name of Liberty Hall; and by the name of the trustees of Salisbury Academy shall have perpetual succession and a common seal; and that the said trustees and their successors by the name aforesaid, or any nine or more of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels, that shall be given them for the use of the said academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain, to them and their successors forever, any lands, rents, tenements or hereditaments of what kind, nature or quality soever the same may be, in special trust and confidence that the same or the profits thereof, shall be applied to and for the uses and purposes of establishing and endowing the said Salisbury academy in the county of Rowan, building or purchasing suitable and convenient houses for the same, providing a philosophical apparatus and public library, and supporting and paying salaries to the president and such number of professors and tutors thereof as shall be necessary to instruct the students, and such as they shall be able to pay out of the funds that shall be in their hands.

III. And be it further Enacted by the authority aforesaid, that the said trustees and their successors, or any nine or more of them by the name aforesaid, shall be able and capable in law to bargain, sell, grant, demise, alien or dispose of, and convey and assure to the purchasers, all such lands, rents, tenements or hereditaments aforesaid, when the condition of the grant to them, or the will of the devisor doth not forbid the same: And further that the said trustees and their successors for ever, or any nine or more of them shall be able and capable in law by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever.

IV. And be it further Enacted by the authority aforesaid, That the said trustees or any seventeen or more of them be, and they are hereby impowered and authorised to convene at Salisbury on the twenty-second day of March next after passing this Act, and then and there agree and determine on the place where it may appear to them or a majority of them then present most convenient and proper to purchase or erect buildings for the said seminary; and also then and there elect and constitute by commission in writing under their or a majority of their hands, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a trustee during his continuance in office; and such president being so elected and commissioned, and the trustees or their successors, or any nine or more of them, at all other times thereafter, when convened and met together within the said county of Rowan, shall have full power and lawful authority to elect and constitute one or more professors or tutors, a secretary, a treasurer and steward; and also to make and ordain such laws, rules and regulations, not repugnant to the laws of this State, for the well ordering and governing the students, their morals, studies and academical exercises, as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and the progress they shall have made in useful knowledge; in general they shall or may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue: And also that the said trustees, or any nine or more of them are hereby impowered, and shall have lawful authority to remove or

displace the professors or tutors, the secretary, treasurer and steward, or any of them, if they should find it necessary; and further, that on the death, resignation or refusal to act, of either the professors or tutors, the secretary, treasurer or steward, others shall be elected in the room and stead of those dead, resigned or refusing to act.

V. And be it further Enacted by the authority aforesaid, That the treasurer of the said board of trustees shall enter into bond with sufficient security to the trustees aforesaid in the sum of one thousand pounds, conditioned for the faithful discharge of his office, and the trust reposed in him, and that all monies and chattels belonging to the said corporation that shall be in his hands at the expiration of his office shall then be immediately paid and delivered into the hands of the succeeding treasurer; and every treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever, that may belong or accrue to the said academy during his office, and at the expiration thereof shall account with the trustees for the same, and the same pay and deliver over to the succeeding treasurer; and on his neglect or refusal to pay and deliver as aforesaid the same method of recovering may be had against him as is or may be provided for the recovery of monies from sheriffs or other persons chargeable with public monies.

VI. And be it further Enacted by the authority aforesaid, That on the death of any trustee, or in case any trustee should resign or neglect to serve during the space of two years after his or their appointment, then said trustees or any nine or more of them shall elect some fit person or persons in the room of him or them dead, resigning or so neglecting to act.

VII. And be it further Enacted by the authority aforesaid, That nothing contained in this Act shall be considered as tending to prevent the trustees from distinguishing their public hall, or their library by the names of such persons as may within two years give the most liberal donations to the said seminary. Provided That this seminary shall not be construed to be one of those mentioned in and intended by the constitution.

CHAPTER XXX.

An Act for levying a Tax in the Counties in Hillsborough and Salisbury Districts for the repairs of the District Buildings in the Towns of Hillsborough and Salisbury, and directing the method of calling to Account all Commissioners of Public Buildings heretofore or hereafter to be appointed.

I. Whereas it is necessary that the court house, prison and stocks, in the town of Hillsborough should be put in good repair, and it has been ascertained that the provision heretofore made is not sufficient for the purpose aforesaid; and whereas it is just and right that the counties in the district of Hillsborough should contribute their quotas for the repairs thereof:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That there shall be collected the sum of four-pence for each and every hundred acres of land, and the sum of one shilling for each and every person liable by law to pay a poll tax in the county of Orange, for the year one thousand seven hundred and eighty-five.

III. And be it further Enacted by the authority aforesaid, That each and every hundred acres of land shall be subject to a tax of two pence, and that each and every person subject to a poll-tax shall be liable to pay the sum of six pence, for the year one thousand seven hundred and eighty-five, in the

counties of Wake, Chatham, Randolph, Granville and Caswell, for the repairs of the court house, prison and stocks, in the town of Hillsborough; and that those taxes be collected by the same persons in each county as other county taxes are collected, those collectors to be subject to the same rules, regulations, restrictions and penalties, that collectors of public monies are.

IV. And be it further Enacted by the authority aforesaid, That the inhabitants of the town of Hillsborough pay a tax of one shilling in every hundred pounds taxable property.

V. And be it further Enacted by the authority aforesaid, That Joseph Stewart, Richard Bennehan, James Mebane and Teagnal Jones, are hereby appointed commissioners for the said repairs, and are authorised to receive the said taxes so to be collected from the collector; and the said commissioners are by this law authorised to sue for and recover the said taxes as district treasurers have heretofore been authorised.

VI. And be it Enacted by the authority aforesaid, That if any surplus money should remain in the hands of the commissioners they are directed to return to the justices of the county that which has been by them paid over and above, which said surplus shall by the county court be applied as part of the county tax.

VII. And be it further Enacted by the authority aforesaid, That the said commissioners shall take an oath for the faithful performance of the trust in them reposed by this Act.

VIII. And for erecting a district court house in the town of Salisbury: Whereas, the court house in the town of Salisbury is so far decayed that it is impracticable to repair the same: Be it therefore Enacted by the General Assembly, and it is hereby Enacted by the authority of the same, That for the year one thousand seven hundred and eighty-five, one shilling on every poll, and four pence on every hundred acres of land, be levied in the county of Rowan; and six pence on every poll, and two pence on every hundred acres of land in the counties of Mecklenburg, Anson, Richmond, Montgomery, Surry and Guilford, and a tax on every hundred pounds value of town lots with their improvements equal to that of a poll in the several counties in the said district, to be collected and accounted for in the same manner as other taxes, for the purpose of building a court house in the town of Salisbury for the district thereof.

IX. And be it further Enacted by the authority aforesaid, That Maxwell Chambers, Anthony Newnan and John Lewis Baird, are appointed commissioners for building said court house, who shall enter into bond to the chairman of the county court of Rowan, conditioned that they shall faithfully account for all such sums of money as they shall receive for the purposes aforesaid; and the several sheriffs of Rowan, Mecklenburg, Anson, Richmond, Montgomery, Surry and Guilford counties, are hereby directed and required to pay the monies arising from the said taxes into the hands of the said commissioners for the purposes aforesaid: and in case that any of the said sheriffs shall make default in payment of the monies as aforesaid the said commissioners or any one of them are hereby impowered to sue for and recover said monies of such sheriff, together with costs of suit.

X. And, whereas, great abuses have arisen from the neglect of the several commissioners heretofore appointed within this State, for the repairing as well of the district as of the county court houses, and other public buildings: Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the justices of the several county courts within this State be and they are hereby impowered, authorised and required, whenever they think necessary, to call

on all and every person who is, has been or shall be a commissioner for building or repairing public buildings, whether for the district or the counties wherein they reside, to call for all monies by them received for any or either of the aforesaid purposes; and on failure, neglect or refusal, of any commissioner when called on by the justices of any county court, to lay before them an account of all monies by them received and the expenditures of the same, it shall and may be lawful for the said justices to enter up judgment against such delinquent commissioner or commissioners for such sum or sums of money as by the receipts of the county treasurer, sheriffs or collectors, they may appear to have received, and execution for the same may and shall issue for the same to the use of the county or district, as the case may be, with costs; any law to the contrary notwithstanding.

XI. And be it further Enacted by the authority aforesaid, That the tax levied by Act of Assembly passed at Hillsborough in the year one thousand seven hundred and eighty-three for repairing the court house and prison in the town of Salisbury, be converted to the use of rebuilding said court house, and repairing the prison.

CHAPTER XXXI.

An Additional Act to Amend an Act, Intituled, "An Act for Purchasing a Lot or Lots in the Town of Wilmington for the Purpose of Building a Gaol for the District of Wilmington, and Other Purposes;" Passed at Hillsborough in the Year One Thousand Seven Hundred and Eighty-Three: And an Act, Intituled, "An Act to Amend an Act, Intituled, 'An Act for Purchasing a Lot or Lots in the Town of Wilmington for the Purpose of Building a Gaol for the District of Wilmington, and Other Purposes, and for Repairing the Court House of Said District;'" Passed at Hillsborough Last Assembly.

I. Whereas, the trustees named in the Act for purchasing a lot or lots in the town of Wilmington, for the purpose of building a gaol for the district of Wilmington, have failed to purchase the said lot or lots, and to collect the monies imposed by the same Act, or to perform any part of the services required thereby, or by an Act to amend the said Act, passed by the last General Assembly; and, whereas, the most of the said trustees live at such a distance from each other that it is inconvenient for them to meet so frequently as may be necessary to carry into effect the purposes intended by the said Acts;

II. Be it therefore Enacted by the General Assembly of North Carolina, and it is hereby Enacted by the authority of the same, That James Gaekie, John Fergus, James Read, John Huske, Thomas McClain, Henry Toomer and Alexander Hestler, be and they are hereby nominated and appointed trustees in addition to the persons named in the first mentioned Act to carry the said Act and the Act to amend the same, passed last General Assembly, into effect; and the said trustees or a majority of them are invested with all the powers and authority to carry the same Acts into execution with which the trustees named in the said first mentioned were invested.

CHAPTER XXXII.

An Act to Establish the Principal Streets of Fayetteville as Laid Down in a Plan of the Said Town by Commissioners Appointed by an Act Passed at Hillsborough, the Eighteenth Day of April, in the Seventh Year of the Independence of This State, Intituled, "An Act for Appointing the Several Persons Therein Named to Lay Out the Streets in Upper Cambleton in Cumberland County, and for the Future Regulation of the Said Town, and Giving a Further Time for Saving Lots in the Lower Town, and For Altering the Name of Cambleton to Fayetteville."

I. Whereas, the persons by the said Act appointed have surveyed and laid off six principal streets and two squares in the said town, as by a plan thereof returned to the last session of Assembly and lodged in the secretary's office will more fully appear;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said principal streets and squares shall be confirmed and established agreeable to the said plan, and hereby they are confirmed and established.

III. And be it further Enacted by the authority aforesaid, That all power and authority by the said recited Act given to the commissioners that hath either not been enforced or hath been suspended, shall succeed to the directors chosen by the inhabitants of the said town on the first day of January last, and their successors in office, together with the authority by the said Act granted to the said directors as a body corporate.

IV. And be it further Enacted by the authority aforesaid, That any person or persons convicted before the said directors of obstructing the said principal streets or squares, by erecting new works on any part thereof contrary to the above recited Act, or permitting old works to remain therein a longer time than limited by the commissioners in their report filed in the secretary's office with the said plan, or hereafter to be limited by the said directors, shall by the judgment of the said directors remove the same at his or their own expence; and for any contempt of the said judgment every person or persons so offending shall forfeit the sum of five pounds for every month he or they shall suffer such works or buildings to remain after being noticed by the directors to remove the same. And it is Enacted, That all forfeitures in consequence of such contempt shall be vested in the corporation of the directors for the use of the said town.

V. And be it further Enacted by the authority aforesaid, That all former streets, roads and passages in the said town not interfering with the beauty and regularity of the principal streets and squares aforesaid, agreeable to the plan thereof, shall remain in their present situation. Provided, That it shall and may be lawful for the said directors to lay off such new streets as to them may seem most conformable to regularity and convenience, which said streets shall not be less than fifty feet in breadth; and the said streets on being so laid off are hereby declared subject to the same rules and regulations with the principal streets in the said town.

CHAPTER XXXIII.

An Act for the Inspection of Tobacco in the Town of Hillsborough.

I. Whereas, it may be beneficial to the planters of tobacco in the Western parts of this State that an inspection of that commodity be established in the town of Hillsborough;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Orange shall annually appoint two discreet and careful men, well acquainted with the nature and qualities of tobacco to be inspectors thereof, who shall take the same oath, be subject to the same rules, regulations and restrictions, to which inspectors of tobacco are subject by an Act of the General Assembly passed at Halifax in the year one thousand seven hundred and seventy-seven, intituled, "An Act to amend the staple of tobacco, and prevent frauds."

III. And be it further Enacted by the authority aforesaid, That the inspectors so appointed shall have and receive of the owners of tobacco the sum of eight shillings for each and every hogshead, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prising and everything necessary thereto.

IV. And be it further Enacted by the authority aforesaid, That all tobacco so inspected shall be held and deemed merchantable tobacco as if the same had been inspected at any other inspection in this State. Provided, That nothing herein contained shall extend or be construed to extend to prevent the reinspection of any tobacco inspected at Hillsborough agreeable to this Act, by the inspectors lawfully appointed at any inspection heretofore established by law to which it shall or may be carried for exportation if it shall appear that the tobacco so inspected has been rolled or otherwise damaged in its passage from the warehouse at Hillsborough to the port where it may be received. And provided also, That no tobacco inspected at said warehouse shall be held or deemed a lawful tender, or payment of any tobacco contract heretofore made, until reinspected at some other warehouse; any law to the contrary notwithstanding.

CHAPTER XXXIV.

An Act to Remove All Disabilities from Simon Cleary, and Others Therein Named.

I. Whereas, Timothy Cleary (otherwise Clear), late of the town of New Bern, deceased, departed this life on or about the month of September, in the year of our Lord one thousand seven hundred and seventy-five, without issue, possessed of a considerable real and personal estate, the real estate descending to his eldest brother and heir at law, Simon Cleary, and the personal estate, after deducting the distributive share of the widow to the said Simon Cleary, Patrick Cleary, Esther Bectle, widow, otherwise Cleary, Thomas Conner and Margaret, his wife, otherwise Cleary, and Mary Cleary, single woman, brothers and sisters of the said Timothy; And, whereas, the said brothers and sisters of the deceased, were inhabitants of the Kingdom of Ireland and other parts without the limits of the United States, by reason of which the commissioners of confiscated estates for the county of Craven have seized and sold the greatest part of the said estate, which formerly belonged to the said Simon Cleary, Patrick Cleary, Esther Bectle, Thomas Connor and Margaret, his wife, and Mary Cleary; the said Simon, Patrick, Esther, Margaret and Mary, nor any of them, not appearing at the first General Assembly which was held after the first day of October, one thousand seven hundred and seventy-eight, agreeably to an Act commonly called the confiscation Act, passed in December, one thousand seven hundred and seventy-seven; and, whereas, the said Patrick Cleary hath applied

to this present General Assembly and offered testimonials to induce a belief that he hath made several attempts to come to this State during the war, properly impowered by his brothers and sisters; the first of which attempts appears to be on or about the latter end of the year one thousand seven hundred and seventy-six, but was each and every time unfortunately taken by privateers; and, whereas, the General Assembly have resolved that the several claimants of the estate of the said Timothy are entitled to relief, and have voted that they shall receive out of the public treasury the amount of the sales of the said estate, and it is necessary that they should be further relieved by enabling them or some of them to commence an action or actions for the recovery of such part of the estate as hath not been sold, and the rents, issues and profits thereof, and of such things in action, if any, as may be in the hands of individuals.

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the said Patrick Cleary to sue for and obtain letters of administration on the personal estate of his deceased brother, unadministered by James Coor, John Hawks and David Barron, and the survivors of them, and as administrator to commence and prosecute such suit and suits as may be necessary and in the name of the said Simon Cleary, other the heir or heirs at law of the said Timothy, to commence and prosecute to final judgment any suit or suits, either in law or equity, which may be necessary for the recovery of any of the real estate wnich was of said Timothy Clear, any law to the contrary notwithstanding.

CHAPTER XXXV.

An Act to Amend an Act, Intituled, "An Act for Establishing a Town in Jones County;" Also One Other Act, Intituled, "An Act for Dividing Craven County Into Two Distinct Counties, and for Other Purposes Therein Mentioned."

I. Whereas, by the last recited Act the commissioners appointed for erecting the public buildings of Jones county did, agreeable to said Act, purchase five acres of land for the purposes aforesaid, which said five acres of land are more than are found necessary for the public buildings of said county, and are in the most valuable part of the town of Trenton;

II. Be it therefore Enacted by the General Assembly, and by the authority of the same, That the directors or trustees appointed by the first recited Act for establishing a town in Jones county, and their successors, shall stand seized of an indefeasible estate in fee simple of the said five acres of land, and cause the same to be divided into half acre lots, numbered and inserted in the plan of said town, and take subscriptions for the same; and the said directors or a majority of them shall execute deeds of conveyance under the same rules, regulations and restrictions, as is directed by the before recited Act, and the money arising from such sale shall be applied towards finishing the public buildings of said county.

III. And be it further Enacted by the authority aforesaid, That the justices of the said county of Jones, or a majority of them, shall make choice of any one lot within the said town that they shall think most convenient, for the sole purpose of erecting a gaol thereon, for the use of the said county; and the lot so chosen shall be and is hereby vested in the justices of said county of Jones, and their successors in office, for the purpose aforesaid; and the trustees and directors of the said town are here-

by declared to have no power to convey the said lot to any person, or for any other use whatsoever; anything in the before recited Acts to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That the directors and trustees for the time being, or a majority of them, shall and are hereby impowered to make any order they may think proper for opening streets, preventing mortar, clay or wooden chimneys being built, and pulling down such as are already built, if judged by them to be a nuisance, for obliging all persons to clear the streets before their houses, and for all other things for the good and safety of the said town and the proper regulation of it, consistent with the laws of the State, and to enforce such orders by laying a fine, not exceeding five pounds, on all persons neglecting or refusing to comply therewith, to be levied by a warrant from such directors and trustees, and sale of the offender's goods in the same manner as goods are lawfully sold for the payment of small debts, and the money applied to the use and benefit of the said town.

CHAPTER XXXVI.

An Act to Establish the Town of Morgan, and to Direct the Building a Court House and Prison in the Same, for the District of Morgan.

I. Whereas, the commissioners appointed by a late Act of Assembly have purchased two hundred and thirty acres of land in Burke county for a town and town common, at a place called the Alder Springs, and have laid off twelve lots of twelve rods square, and forty-two lots six rods in front and twelve rods back, with two main streets six rods wide; and have reserved four lots of twelve rods square for the said public buildings, and for the convenience of water agreeable to a plan herewith presented to this General Assembly;

II. Be it therefore Enacted by the Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said two hundred and thirty acres of land shall be, and the same is hereby established a town by the name of Morgan, agreeable to the said plan.

III. And be it further Enacted by the authority aforesaid, That the said four lots of twelve rods square reserved for the public buildings, and for the convenience of water, shall be and remain public property for the same uses forever.

IV. And if any private person shall for his own use build, place or make on any part of the said four lots, or in the streets of the said town, any house, cabbin, stable, or other obstruction, the commissioners of the said town hereafter appointed, and their successors, shall have full power and authority to pull down, destroy and remove the same houses, cabbins, stables and obstructions, so raised or made.

V. And be it further Enacted by the authority aforesaid, That General McDowall, John Blanton and Alexander Irwin, be and they are hereby appointed commissioners of the said town of Morgan, and they are hereby impowered and directed to sell out the said lands in lots, thirteen adjoining and nearest the court house square at ten pounds each, and the remainder in proportion; and out of the monies arising from the sales first pay forty pounds, being the purchase money for the said lands, and the remainder thereof apply towards building a court house and prison for the said district of Morgan on the lots reserved for that purpose; and the said commissioners are hereby impowered to demand and receive the taxes collected, and which

shall be collected in the district of Morgan, for building the said court house and prison, and are hereby fully impowered to apply the said monies to the purposes aforesaid, and to let out the whole or any part of the work at public auction to the lowest bidder or by private contract, and to make all and every other contract for work and materials that shall be necessary to carry on the said buildings with dispatch.

CHAPTER XXXVII.

An Act for Impowering the County Courts of Warren and Franklin to Levy a Further Tax on the Inhabitants of Said Counties, for Defraying the Expence of Building a Court House, Prison and Stocks.

I. Whereas, the tax heretofore levied by law for the purposes aforesaid is not sufficient to answer the end thereby intended;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county courts of Warren and Franklin are hereby vested with full power to levy a further tax for the purposes aforesaid, not exceeding one shilling and six pence on each and every poll subject to the payment of taxes, and a like tax on every hundred pounds of assessable property, and a tax of six pence on every hundred acres of land, to be collected for the years one thousand seven hundred and eighty-five and one thousand seven hundred and eighty-six, in the same manner and accounted for as all other taxes.

CHAPTER XXXVIII.

An Act to Amend an Act, Intituled, "An Act for Levying a Tax on Every Hundred Pounds Value of Taxable Property in the District of New Bern, for Repairing the District Gaol.

I. Whereas, the before recited Act has not had its effect on account of some of the commissioners not inclining to act, and the gaol still remains in a ruinous state, and the money collected in virtue of said Act unappropriated;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That John Hawks, John Council Bryan and Samuel Chapman, Esquires, be and they are hereby appointed commissioners for the purpose of repairing the said district gaol, in the room of those heretofore appointed; and they or a majority of them are hereby vested with all the powers, privileges and authorities, which the former commissioners are by law vested with, for the purpose of carrying the said Act into effect.

III. And be it further Enacted by the authority aforesaid, That the said commissioners shall immediately after the passing of this Act notify the several sheriffs, former commissioners and all or any other person or persons, having any of the money arising by virtue of said Act in their hands, to settle for and pay the same into their hands; and in case of failure they, the aforesaid commissioners, shall have the same method of recovery against the several sheriffs and others which the law directs to be had against sheriffs and others holding public monies.

CHAPTER XXXIX.

An Act to Impower the County Court of Wayne to Lay a Tax Annually, for the Purpose of Finishing and Compleating the Court House, Prison and Stocks, and for Defraying the Contingent Charges of Said County.

I. Whereas, the tax heretofore laid is not found sufficient for the purpose of finishing and compleating the court house, prison and stocks, in the said county;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Wayne is hereby authorised and impowered, from and after the passing of this Act, to lay a tax annually not exceeding the sum of two pence current money on every hundred acres of land in said county, and a poll tax of six pence like money on every taxable person in said county, for the term of two years, for the purpose of finishing and compleating the court house, prison and stocks, and for the purpose of defraying the contingent charges; which said tax shall be collected and accounted for in the same manner, at the same time, and by the same persons who are appointed to collect the public tax in said county, and to be paid into the hands of such person or persons as the court of said county shall from time to time direct, after a sufficient sum is paid into the hands of the acting commissioners, who are hereby authorised and impowered to receive the same from such collector or collectors as shall or may be appointed by the said court; and in case of refusal or neglect in paying the said monies into the hands of such person or persons as are appointed by virtue of this Act, the said sheriff or other person, or any of them so refusing or neglecting, shall be liable to the same penalties, and the same mode of recovery shall or may be had against him or them, as by law shall or may be had against sheriffs who neglect or refuse to account for and pay public taxes.

CHAPTER XL.

An Act for Impowering the Commissioners of Public Buildings in Bladen County to Sell the Public Lots Reserved for Said Buildings, to Purchase Others and Build the Court House on the Street, if More Eligible in Their Opinion.

I. Whereas, the lots reserved in the town of Elizabeth for erecting the court house and other public buildings on are inconveniently situated, and by no means agreeable to the wishes of the inhabitants of the said county;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority of the same, That the commissioners or a majority of them, who were heretofore appointed to superintend the public buildings of said county of Bladen, are hereby authorised and impowered to sell the said public lots in the town of Elizabeth, and convey titles in fee simple for the same; and that the said commissioners shall be further impowered to purchase such other lot or lots as they or a majority of them shall think proper, for the purpose of erecting the said public buildings on.

III. And be it further Enacted by the authority aforesaid, That if the said commissioners or a majority of them should be of opinion that the court house of the said county of Bladen, for conveniency should be erected on a street of the said town of Elizabeth, then and in that case it shall be

lawful for the said court house to stand in such place as by the said commissioners or a majority of them shall be directed.

IV. Provided, and be it Enacted, That the said commissioners shall and are hereby directed to account for all such monies as shall remain in their hand from the sale of said lots over and above what they may lay out in purchases for the aforesaid purposes.

CHAPTER XLI.

An Act for Removing the Public Buildings of Mecklenburg County from Charlotte to the Centre of Said County, Appointing Commissioners to Find Said Centre, and to Superintend the Erecting a Court House, Prison and Stocks, as Near Said Centre as Convenience Will Permit, and Altering the Mode of Annual Elections in Said County.

I. Whereas, the present court house of said county stands within ten miles of Catawba River, and within eight miles of the Catawba Indians' land, being the western limits of said county, and upwards of forty miles from the eastern limits of said county; and in order that justice may be done to the inhabitants of said county,

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Colonel George Alexander, William Matthews, Samuel Harris, Zacheus Wilson, Hezekiah Alexander, Colonel Robert Irwin, John Leopard, James Henry and Martin Phifer, junior, be and they are hereby appointed commissioners to make an accurate survey of said county, and in case said centre should be found not to exceed seven miles from Charlotte this Act is to be void and of no effect, but if said centre should exceed seven miles from Charlotte, said commissioners are authorised to purchase four acres land in the most convenient place not exceeding one mile from the said centre, for the purpose of erecting the said public buildings thereon; and the said commissioners are hereby impowered and directed to agree and contract with workmen for erecting, building and finishing a court house, prison and stocks, for the use of the said county of Mecklenburg, at such place as a majority of said commissioners shall agree upon, limited as aforesaid.

III. And be it further Enacted by the authority aforesaid, That a tax of one shilling on each poll, and a tax of four pence on each hundred acres of land shall be and is hereby assessed on the polls and land in said county for two years, to commence from the passing of this Act, for the purpose of defraying the expence of erecting said buildings, and running the lines of said county as required by this Act; and that all persons who shall neglect or refuse to pay the said tax at the time limited for the payment of public taxes, shall be liable to the same penalties and distress as for the non-payment of public taxes; and the collectors of the said county are hereby required and directed to account for all the monies by them so collected to the commissioners aforesaid, after deducting five per cent. for their trouble in collecting the same; and in case of failure or neglect in any of the said collectors, such collector so failing or neglecting shall be liable to the penalties and recoveries as by law may be had against collectors of public taxes.

IV. And be it further Enacted by the authority aforesaid, That said commissioners are hereby impowered and required to call on the stray master of said county to settle with and pay into the hands of said commissioners all the monies that may be in the hands of the said stray master

by virtue of his office as stray master, an account of which monies said stray master shall render on oath to the said commissioners, together with all obligations for money in consequence of his office, to be applied by said commissioners towards defraying the expence of said buildings; and in case said stray master, after twenty days' previous notice, should neglect or refuse to comply with the requisitions of this Act, he shall forfeit and pay unto the said commissioners the sum of five hundred pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof, any law to the contrary notwithstanding.

V. And be it Enacted by the authority aforesaid, That the justices of the said county are hereby required to adjourn themselves to the new court house as soon as it may be fit for their reception; and that from and after the passing of this Act the annual elections for Representatives in General Assembly shall be held at the place appointed by said commissioners for said court house for the whole county, any law to the contrary notwithstanding.

CHAPTER XLII.

An Act for Clearing and Opening the Navigation of Tar River and Fishing Creek, in the Counties of Pitt, Edgecomb and Halifax.

I. Whereas the opening and clearing Tar river, from the dividing line of Beaufort and Pitt counties up to the dividing line of Pitt and Edgcomb counties, and from thence up the said river as far as the county court of Edgecomb shall think proper; and the said Fishing creek from the mouth thereof up to Wiatt's bridge, would render the said river and creek useful and advantageous, and will be of great utility in transporting every kind of produce to market, and greatly enhance the value of lands in the said counties;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act it shall and may be lawful for the justices of the counties of Pitt, Edgcomb and Halifax, at the first court to be held for their respective counties after the first day of March next, and they are hereby required to apportion and lay off in convenient districts all the inhabitants of their counties respectively who are resident within six miles of the said river or creek, and appoint some person in each of the said districts properly qualified as overseer who shall cause all persons within the district to him allotted who are liable to work on public roads, to work on that part or division of the said river or creek which the court of the county wherein he resides shall direct, at least six days in each and every year, unless otherwise directed by the court, when they shall cause the inhabitants of the district to him allotted as aforesaid to be employed in cutting and removing all logs, brush and other incumbrances, which obstruct the navigation, and also in cutting down or otherwise killing all kinds of trees likely to fall into or obstruct the navigation of the aforesaid river or creek, under the penalty of fifty pounds current money for failure or neglect, to be recovered and applied as fines and forfeitures incurred by overseers of roads; and all and every person liable to work as aforesaid who shall fail when summoned or warned agreeable to the custom in case of working on roads, to appear with such tools as the overseer shall direct and work accordingly, shall forfeit and pay the sum of ten shillings each day

he shall fail or neglect, to be recovered and applied as fines for failing to appear and work on public roads.

III. And in order to keep the navigation of the said river and creek open, Be it Enacted, That in case any person shall fall any tree, or make any hedge in or across the said river or creek, or otherwise obstruct the navigation thereof, shall for every such offence, being thereof convicted before any justice of the peace of the county wherein the offence shall be committed, forfeit and pay the sum of five pounds current money, and be obliged to remove the obstruction at their own expence, and shall be further liable to the action of any person or persons injured thereby; and if any negro slave found guilty of any of the above mentioned offences and convicted thereof, he, she or they, by order of a justice of the peace shall receive thirty-nine lashes well laid on his or her bare back for each and every such offence.

CHAPTER XLIII.

An Act to Amend an Act, Intituled, "An Act for Laying a Tax in the County of Northampton, for Repairing the Public Buildings Thereof, and to Appoint and Impower Commissioners for that Purpose.

I. Whereas by the aforesaid Act the commissioners are restrained from moving and rebuilding the court house in Northampton county more than one-eighth of a mile from the place whereon the court house now stands, which by no means coincides with the wishes of the inhabitants of the said county;

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commissioners appointed by the aforesaid Act, or such of them as shall agree to act, may and they are hereby authorised and impowered to contract for one or more acres of land to remove the buildings upon, more convenient than the present any where on the tract of land on which they now stand; any thing in the afore recited Act to the contrary notwithstanding.

CHAPTER XLIV.

An Act to Amend an Act, Intituled, "An Act for Dividing the County of Cumberland," Passed at Hillsborough Last General Assembly, and to Confirm the Proceedings of the Justices of Moore County, and to Alter the Time of Holding the Courts of Said County.

I. Whereas by some mistake in describing the dividing line of the late county of Cumberland, it has been directed to be laid off in a different manner from what was intended; for remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the line for dividing the county of Cumberland shall begin at Cole's bridge, on Drowning creek, thence a direct line to the Cumberland and Chatham line, on the south side of the river Cape Fear; and that Thomas Armstrong, William Seals and William Rand, or a majority of them be and they are hereby appointed commissioners to appoint and agree with a surveyor for the purpose of running the said dividing line; and the said line when so run shall be held, deemed and taken to be the dividing line of the said county of Cumberland, and that the lower county continue and remain by

the name of Cumberland county; and that the justices in the said county hold the courts at the place where they were usually held in the said county on the fourth Mondays in January, April, July, and October, in every year; and that all causes, pleas, writs, actions, suits, plaints, process, precepts, recognizances and other matters and things, in the said court depending, shall continue and remain to be tried in the said county.

III. And be it further Enacted by the authority aforesaid, That all that part of the county lying to the northwest of the new line, shall be and continue by the name of Moore county.

IV. And whereas for the want of the Act for dividing the said county of Cumberland the justices of Moore county held their court of pleas and quarter sessions for the said county of Moore on the third Monday in August instead of the fourth Monday in the same month, by reason of which the act and proceedings of the same justices are liable to be avoided; for remedy whereof, Be it Enacted by the authority aforesaid, That all and every order, rule, writ, process, matter or thing made, ordered, done or performed, by the justices of the said county of Moore on the third Monday in August last shall be equally valid and binding as if done on the fourth Monday in the same month, and that for the future the courts for the said county of Moore shall be held on the third Mondays in November, February, May and August; and all writs, process and other matters in the said county now depending, shall be continued to, and have day of the said third Monday in November, February, May and August, any law or usage to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That Thomas Matthews, John Cox, Phillip Johnson and William Mears, be and they are hereby constituted and appointed commissioners to fix a place for the public buildings for the county of Moore, and the place so fixed by the commissioners or a majority of them, shall be the place for holding the courts of the said county of Moore; and further to enable the commissioners to defray the expence of the said buildings a tax of four pence on every hundred acres of land, and of one shilling on every taxable person in the said county of Moore for two years, as the same is established by this Act, shall be levied and collected in the same manner as public taxes are or shall be levied and collected; and all persons who shall refuse or neglect to pay the taxes by this Act imposed upon them at the time and in the manner which is or shall be appointed by law for the payment of public taxes, shall be liable to distress and sale of their property, in the same manner as for non-payment of public taxes.

VI. And be it further Enacted by the authority aforesaid, That the said tax shall be collected by the officer or officers who is or may be appointed to collect the public tax; and such officer or officers shall give bond and security to the said commissioners for the faithful discharge of his or their duty, and shall be entitled to the same commissions, and liable to the same penalties, restrictions, process and remedy, for enforcing the payment thereof, as by law may be had against collectors or receivers of public monies.

VII. And be it further Enacted by the authority aforesaid, That the county courts of Moore and Cumberland shall nominate the following number of freeholders, to serve as jurors at the superior court for the district of Wilmington, of which district the said counties are hereby declared to be part, that is to say, the county of Moore four, and for the county of Cumberland four; any law or statute to the contrary notwithstanding.

VIII. And be it further Enacted by the authority aforesaid, That so much of an Act, intituled, An Act for dividing the county of Cumberland into two

distinct counties, passed at the last General Assembly at Hillsborough, as comes within the purview and meaning of this Act be, and the same is hereby repealed.

CHAPTER XLV.

An Act for Extending the Dividing Line between the Counties of Hyde and Tyrrel.

I. Whereas the line between the counties of Hyde and Tyrrel has never been extended, by which means the lands lying on the supposed boundary have been indiscriminately entered in the said counties; for remedy whereof,

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Southy Rew, John Eburns, Israel Watson, James Anderson, William Blount and Nathaniel Jones, or any four of them be and they are hereby appointed commissioners for the counties of Hyde and Tyrrel, and that they or any four of them shall meet on or before the first day of December, seventeen hundred and eighty-five, and jointly proceed to run and mark the said line as follows: Beginning where the counties of Beaufort, Martin and Tyrrel corner, thence a direct course to Long Shoal river, and thence the same course continued to Pamptico Sound.

III. And be it further Enacted by the authority aforesaid, That the commissioners so appointed shall be allowed a reasonable compensation for their services and expences by the justices of their respective county courts, to be paid out of the county tax.

IV. And be it further Enacted by the authority aforesaid, That where any vacant lands may have been entered in either of the said counties over the said line in the great Dismal swamp, the same shall have preference and effect according to the date of such entry, as fully as though it had been made in the county where the said land shall be on the extension of the dividing line.

CHAPTER XLVI.

An Act to Release James Underwood and Job Ward from the Forfeiture of a Recognizance Entered Into for the Appearance of a Certain Daniel Campbell, Before the Superior Court of Hillsborough District, and from a Judgment Given Upon the Said Forfeiture.

I. Whereas James Underwood and Job Ward were bound by a recognizance for the appearance of a certain Daniel Campbell before the superior court of Hillsborough district, to answer certain treasonable charges there to be exhibited against him, and by the failure of the said Campbell to appear according to the said recognizance before the said court, judgment has been given against them for the sum of five hundred pounds, and their effects are now liable to be sold to satisfy the said judgment; and whereas it is represented to this General Assembly that the said James Underwood and Job Ward are in very indigent circumstances, and that the execution of the said judgment will reduce them and their families to very great distress:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same,

That the same James Underwood and Job Ward be and they are hereby released and fully and entirely discharged from the forfeiture and judgment aforesaid, in the same manner as if the said forfeiture had never happened.

CHAPTER XLVII.

An Act to Enable Benjamin Blount, of Tyrrel County, Trustee to Thomas Bogg to Sue and Recover for and to the Use and Uses of the Children of the Said Thomas Bogg all Debts Due and Owing to the Said Thomas Bogg, and all Other Things in Action, Which the Said Thomas Bogg Might have Lawfully Sued for and Recovered.

I. Whereas Thomas Bogg making it a matter of conscience of taking the oath of allegiance to this State agreeable to an Act of Assembly made and provided for that purpose, did on the twenty-seventh day of September in the year of our Lord one thousand seven hundred and seventy seven, sell and dispose of all his estate both real and personal, agreeable to an Act of Assembly granting those persons who refused to take the oath aforesaid the liberty and privilege of disposing of their property: And whereas the said Thomas Bogg willing to make a necessary provision for his wife and children, did on the said twenty-seventh of September, one thousand seven hundred and seventy-seven, transfer and set over unto Benjamin Blount, senior, of Tyrrel county, all the estate aforesaid by a deed of trust for the benefit and support of his wife and children: And whereas Hannah Bogg, the wife of the said Thomas Bogg is since dead, so that the children in some measure are left destitute, and several suits have been commenced against the estate of the said Thomas Bogg, which may tend to impoverish his children unless the said trustee should be impowered to sue in his own name for the debts and other things in action which were of the said Thomas Bogg.

II. Be it therefore Enacted by the General Assembly, and by the authority thereof, That it shall and may be lawful for the said Benjamin Blount, his executors and administrators, to institute a suit or suits in his or their own name or names as trustees of the same Thomas Bogg, against every person or persons indebted to or having any of the effects of said Thomas Bogg in possession, or having converted the same to his or their own use, and to obtain judgment against such person or persons for the use of the children of the said Thomas Bogg, in the same manner as he the said Thomas Bogg might have done previous to the revolution in government, on giving bond and security to the county court of Tyrrel in such sum as the justices shall require for the due and faithful application of such amounts as he shall recover to the bona fide creditors of the said Tho. Bogg, and the use and uses of his children and no others, any law or usage to the contrary notwithstanding.

CHAPTER XLVIII.

An Act to Secure the Property of Elizabeth Bonner, in Beaufort County, in the Hands of Trustees.

I. Whereas Elizabeth Bonner in Beaufort county, being of lawful age but of weak mind and understanding, and having some property given to her by the will of her late father, Thomas Bonner, deceased, and being liable to seduction by designing persons for want of a proper authority to controul

the said Elizabeth Bonner, and to conduct her property in the best manner for her use;

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Thomas Bonner, brother of the said Elizabeth Bonner, and only surviving executor of the said Tho. Bonner, dec. and John Bonner, be and they are hereby appointed trustees and authorised to take into their care and possession all the interest and property of the said Elizabeth Bonner, and to make a true inventory thereof, which inventory shall be exhibited in the county court of Beaufort upon oath by the trustees within six months after the passing of this Act; and the said Elizabeth Bonner shall be subject to the controul of the said trustees; and that no contract, bargain or agreement, made by the said Elizabeth Bonner with any person or persons whatsoever shall be binding or of any force without the approbation and consent of the trustees aforesaid.

III. And be it further Enacted by the authority aforesaid, That the said trustees shall render their accounts of their proceedings in trust, to the county court of Beaufort annually upon oath, and the same shall be recorded by the clerk in the orphan book.

IV. And be it further Enacted by the authority aforesaid, That the said trustees before they shall possess themselves of the property of the said Elizabeth Bonner, by virtue of this Act, shall enter into bond and security to the county court aforesaid, for the safe keeping and proper care of the said estate to the full amount thereof.

V. And be it further Enacted by the authority aforesaid, That if the trustees by this Act appointed shall die or remove, that then and in that case full power and authority is hereby invested in the county court of Beaufort to appoint other trustees under the same rules and regulations as in this Act directed.

VI. And be it further Enacted by the authority aforesaid, That the aforesaid trustees shall furnish the said Elizabeth Bonner from time to time at all times sufficient entertainment and apparel that may be suitable to her fortune and the profits thereof, and account for the same as before directed.

CHAPTER XLIX.

An Act to Supply the Loss of a Patent for a Certain Tract of Land Lying in Currituck County Granted to Richard Commingforth.

I. Whereas it is represented to this General Assembly, that a grant made to Richard Commingforth in the year one thousand six hundred and ninety-eight for a certain tract of land laying in Currituck county and bounded as follows, to wit: Beginning at a pine on the bank head on the sound side running with the sound about south twenty degrees east forty-seven chains to Ann Bailey's patent line, thence north seventy-five degrees west ninety-one and a half chains with said line to a pine, thence about north twenty degrees west forty-seven chains to an oak, thence south seventy-five degrees east ninety-one and an half chains to the first station; which said tract of land contains by estimation four hundred and thirty acres, and by unavoidable accident is destroyed or lost, whereby the title of the said land has become precarious; for remedy whereof

II. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That so much of

the said tract of land as has been not conveyed away in fee simple by said Richard Commingforth shall be and the same is hereby confirmed in and to the said Richard Commingforth, his heirs and assigns forever as fully to all constructions and intents whatever, as the same would have remained had the said grant not been lost or distroyed, and as if the said Richard Commingforth had the same now in his possession ready to be produced in defence and support of his title to the said land and in the same manner that so much of the said tract of land and every parcel thereof as has been legally conveyed away by the said Richard shall be, and is hereby confirmed to the grantees or bargainees of the said land in the same plight and condition, and with the same quantity of interest therein as is specified in the deed or deeds granted by the said Richard Commingforth for the same, and provided that such deed or deeds have been executed and made with all the solemnities necessary in law to the perfecting such deed or deeds, such deed or deeds shall be good and indefeasible in law, and shall be deemed to convey the interest therein specified in the same manner as if the grant above mentioned had never been lost or destroyed. Provided, That nothing herein shall be construed so as to extend the lines contained in the said patent, or to give title to any other land than what was included in the old marked or processioned lines of said patent.

Read three times, and ratified in General Assembly, the twenty-fifth day of November, Anno Domini one thousand seven hundred and eighty-four.

RICHARD CASWELL, S. S.
WILLIAM BLOUNT, S. C.

NORTH CAROLINA.

In the House of Commons, November 25, 1784.

Resolved, That the estimate of the civil list, the incidental and continental charges of the expence of 1785, be made out by the clerk from the law establishing the salaries of the next year, and the report of the committee on that head, and that the same be published by the public printer with the laws of this session.

WM. BLOUNT, Speaker.

By order, JOHN HUNT, Clerk.

In the Senate, November 25, 1784.

The foregoing resolution was read and concurred with.

RICHARD CASWELL, Speaker.

By order JOHN HAYWOOD, Clerk.

AN ESTIMATE of the civil list, incidental and continental charges of the expence of the year 1785, made agreeable to the above resolution, as follows:

His Excellency the Governor, seven hundred and fifty pounds	£	750
Private Secretary, one hundred pounds		100
Secretary of State, one hundred pounds		100
Delegates in Congress, three thousand three hundred and sixty pounds		3,360
Council of State, one hundred pounds		100
Comptroller-General, including stationery, five hundred pounds		500
Ditto, for the purpose of employing clerks, two hundred and fifty pounds		250
Judges of the Superior Courts, two thousand one hundred pounds		2,100
Attorney-General, six hundred pounds		600
Treasurer, five hundred pounds		500
Commissioners for settling officers' and soldiers' accounts, one hundred and twenty pounds		120
Members of the General Assembly, clerks, servants, stationary, &c., six thousand pounds		6,000
Public Printer, four hundred pounds		400
Interest due to the United States on the Federal debt, the quota of North Carolina, including thirty thousand dollars interest due to the continental line of this State, on the settlement of the late commissioners, being one hundred and nine thousand dollars, forty-three thousand six hundred pounds		43,600
Allowance granted by the General Assembly on loan, ten thousand pounds		10,000
Amount total	£	68,480

JOHN HUNT, Clerk of the Commons.

LAWS OF NORTH CAROLINA, 1785.

At a General Assembly, begun and held at New Bern on the nineteenth day of November, in the year of our Lord one thousand seven hundred and eighty-five, and in the tenth year of the independence of the said State, it being the first session of this Assembly. *Richard Caswell*, Governor.

CHAPTER I.

An Act for Establishing a Militia in This State.

Whereas, in all republican governments a well regulated militia is highly necessary for the defence and safety thereof:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all freemen and indented servants within this State, from eighteen to fifty years of age shall compose the militia thereof; and that the several captains of the same shall enroll the names of all such freemen and indented servants of which their several companies consist, and shall, at their respective general musters return a copy thereof to the colonel of their respective regiments, under the penalty of ten pounds, to be levied by warrant of distress from the colonel of the regiment, directed to the sheriff of the county to which the said regiment belongs; which sheriff shall be paid out of the said penalty the sum of eight shillings, and in case any sheriff shall neglect or refuse to execute such warrant, he shall forfeit and pay the sum of five pounds, to be recovered before any jurisdiction having cognizance thereof, and applied as herein after directed; which copy so returned, shall by every colonel be returned to the brigadier general of the district within one month after such muster, under the penalty of twenty-five pounds, who is hereby required within three months to transmit the same to the Governor, under the penalty of fifty pounds, to be recovered and applied as other fines by this Act imposed; and that all persons after being so enrolled, who shall at any time (unless rendered incapable by sickness or other accident) neglect or refuse when called upon to appear, at such times and places where ordered by the colonel or commanding officer, there to be mustered, trained and exercised in arms, and be provided with a well fixed gun and cartouch-box, with nine charges of powder made into cartridges and sizeable bullets or swan-shot, and one spare flint, worm and picker, under the penalty, if at a private muster of ten shillings, and if at a general muster twenty shillings, to be levied by a warrant of distress by the captain of the company, directed to the serjeant of the same, who is hereby empowered to execute the said warrant and distrain for the said fines and penalties in the same manner as sheriffs are empowered to distrain for public taxes, and shall make return thereof to the captain, which serjeant shall deduct two shillings and eight-pence for his services out of every fine so levied; and in case such serjeant shall neglect or refuse to serve any warrant or warrants to him directed, he for such neglect or refusal shall be fined forty shillings, to be recovered by a warrant from the captain, directed to another serjeant, under the same penalty, to be accounted for and applied as other fines in this Act directed. Provided always, That every absentee shall be allowed

till the next succeeding muster to make his excuse before the captain shall issue his warrant, unless against such defaulters as he may suspect are about removing themselves out of the county before such succeeding muster; and every person that shall be fined by virtue of this Act, and shall think himself injured by his officers may appeal to the next court-martial, first giving security to appear and abide by the judgment of the said court, and if judgment shall be against him that he will then and there pay the fine, with five shillings cost. Provided also, That the members of the General Assembly, Council of State, judges, justices of the peace, secretary of State, attornies, continental delegates, officers who have served in the continental line, officers in the militia of as high rank as captain, who did not resign or were not broke in the time of the war, ministers of the gospel regularly called to the cure of souls, school masters having the care of twelve scholars, students, clerks of the court, physicians, ferrymen, overseers having the care of six taxable slaves, inspectors, public millers, sheriffs, coroners, constables and branch pilots, so long as they shall continue in office shall not be obliged to enlist themselves or appear at such musters.

II. And be it further Enacted by the authority aforesaid, That if the captain, lieutenant and ensign, or any two of them shall adjudge any person or persons enrolled as aforesaid, to be incapable of providing and furnishing him or themselves with arms, ammunition and accoutrements, required by this Act imposed, until such arms and accoutrements shall be provided and delivered him by the court-martial, to be paid out of the fines already collected, and that may hereafter be collected, such court-martial first taking security for the safe keeping of such arms and accoutrements and to be returned when required.

III. And be it further Enacted by the authority aforesaid, That each and every company shall consist of one captain, one lieutenant, one ensign, four serjeants, four corporals, one drummer, one fifer, and not less than fifty privates; the serjeants, corporals, drummer and fifer to be chosen by the captain of the company for which they are appointed, and the first serjeant of each company shall keep an exact list of the same, and shall give his attendance on every muster day, and call the roll agreeable to the directions of the commanding officer of the regiments or company, and make due return (on oath if required) to his captain or officer commanding the company of such persons as were absent on each of the said muster days, under the penalty of fifteen shillings.

IV. And be it further Enacted by the authority aforesaid, That each regiment shall consist of all the companies in the county, except Rowan and Mecklenburgh counties, which shall each have two regiments, and be officered in the following manner, viz. One colonel, or lieutenant colonel commander, one lieutenant-colonel, two majors, one adjutant, one surgeon, one serjeant-major, one drum-major and one fife-major: Provided nevertheless, That when a vacancy for a full colonel shall happen, a commission shall issue to the next officer in rank in said regiment as Lieutenant-colonel commandant. And provided also, That the field-officers of each regiment shall have power to appoint the adjutant and non-commissioned staff officers of the same.

V. And be it further Enacted by the authority aforesaid, That the militia of each district shall compose a brigade, and be commanded by a brigadier general, who shall be allowed an aid-de-camp, major of the brigade, inspector and other officer of the staff department, of his own choosing, who shall be allowed the pay of lieutenant-colonel.

VI. And be it further enacted by the authority aforesaid, That in case of an insurrection within this state, or invasion, it shall and may be lawful for the Governor and Commander in Chief for the time being, or any officer by him directed to raise so many of the militia as shall be thought necessary for opposing such insurrection or invasion, and the militia so raised shall perform such duty or service as they shall be required to do by their commanding officer. And it is hereby required and directed, That the said militia shall appear furnished with arms, ammunition and accoutrements as aforesaid.

VII. And be it further enacted by the authority aforesaid. That every person who shall neglect or refuse on call or alarm given, to appear at such times and places as shall be appointed by his Captain or other officer, shall on due conviction before a court-martial, forfeit and pay ten pounds, to be levied by warrant from the Colonel or Commanding Officer for that service, directed to the Sheriff of the county where the offender resides; and such Sheriff, who is hereby required and directed to execute the same, shall for every neglect or refusal forfeit and pay the sum of ten pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof; and any person who shall refuse to march against the enemy when commanded, or refuse or neglect to do his duty or perform the service he is put upon by his officer, or shall quit his post, desert his colours or mutiny, it shall and may be lawful for the commanding officer of the regiment or corps to order a court-martial for the trial of such offender, first taking the following oath, to-wit, "You shall swear well and truly to try and determine, according to your evidence in the matter now before you, between the State and the prisoner to be tried: So help you God." And on trial and conviction, to punish the offender according to martial law, as the nature of the offence may require (death excepted) and for the want of a sufficient number of officers to compose a court-martial, the offender shall be put under guard (and his crime in writing lodged with the officer of the same) until such time as there are a sufficient number to hold a court-martial.

VIII. And be it further Enacted by the authority aforesaid, That the respective officers, non-commissioned officers and privates, when in actual service shall, from the day they are ordered on duty be paid according to the following rates, viz. A brigadier-general per day one pound four shillings; a colonel or lieutenant-colonel commandant per day twelve shillings and six-pence; lieutenant-colonel per day ten shillings; major per day ten shillings; captain per day seven shillings and six-pence; lieutenant per day five shillings; ensign per day four shillings and six-pence; adjutant per day seven shillings and six-pence; surgeon per day seven shillings and six-pence; serjeant-major per day four shillings; drum-major per day four shillings; fife-major per day four shillings; serjeant per day four shillings; drummer per day three shillings; fifer per day three shillings; corporal per day three shillings, and a private per day two shillings.

IX. And be it further Enacted by the authority aforesaid, That every captain or commanding officer of a company shall, once within two months at such place as he shall think most convenient, muster his company, and see that each non-commissioner and private in his company is furnished with such arms, ammunition and accoutrements as by this Act directed, under the penalty of five pounds for each muster he shall neglect, to be levied by a warrant of distress from the colonel or commanding officer of the regiment to which he belongs, in manner aforesaid, and be applied as by this Act directed.

X. And be it further Enacted by the authority aforesaid, That all officers of the militia shall be resident in the county for which they are appointed, and possess a freehold of fifty acres of land or freehold in some town.

XI. And be it further Enacted by the authority aforesaid, That if any non-commissioned officer or private shall, during the time of muster resist his commanding officer or refuse his lawful commands, shall if a non-commissioned officer be reduced to the ranks and kept under guard during the time of such muster, and if a private shall be fined twenty shillings and be kept under guard during the time of such muster, to be levied by warrant from any field-officer of the regiment and applied as other fines by this Act directed.

XII. And be it further Enacted by the authority aforesaid, That if any number of men not exceeding thirty-six nor less than twenty-four, belonging to any regiment in this State shall desire to form themselves into a troop of horse, shall and may after being approved of by the field officers of the same, form themselves into a troop and give a list of their names to the said field officers; who shall forthwith appoint a captain-lieutenant and cornet out of the commissioned officers of said regiment and recommend them to the Governor to be commissioned accordingly; and when the said troop is officered as aforesaid and not before, the persons enrolled in the said troop shall be and are exempt from their service in the foot company, and shall muster as many times as well with regard to private as general musters of the county, and under the same penalties as in and by this Act before directed for the foot musters.

XIII. And be it further Enacted, That the different troops of horse in each district shall be formed into one regiment, and be commanded by a lieutenant colonel commandant and two majors.

XIV. And be it further Enacted by the authority aforesaid, That every trooper shall, before he is approved of as aforesaid, be furnished with a good serviceable horse not less than fourteen hands high, with a good saddle, bridle, holsters and pistols, a horseman's sword and cap, and a pair of shoe-boots and spurs, with a cartouch box and cartridges suitable for their pistols; and shall receive when in actual service the following pay, to wit. a lieutenant-colonel commandant per day fifteen shillings; a major per day twelve shillings and six-pence; a captain per day ten shillings, a lieutenant and cornet per day seven shillings and six-pence each; a serjeant per day five shillings; a trumpeter, drummer and fifer per day five shillings, and each private man four shillings.

XV. And be it further Enacted by the authority aforesaid, That the colonel or commanding officer of each and every regiment shall, in every year cause two general musters to be made of their respective regiments, at the court house of their county; which if any of them shall fail or neglect to do, and fail to appear at such musters (sickness or accident excepted) he or they so offending shall forfeit and pay the sum of twenty pounds, to be recovered by action of debt in any court of record within this State, one half to the person who shall sue for the same, and the other half to be applied as other fines in this Act directed.

XVI. And be it further Enacted by the authority aforesaid, That the colonel or commanding officer of each and every regiment shall order a court-martial to be held at the court-house of his county (except in the counties before excepted) on the day following their respective general-musters, which said court shall consist of a president, judge-advocate, and twelve members, the president to be appointed by the colonel or commanding offi-

cer of the regiment out of the field officers of the same, and the members to be warned out of the captains and subalterns agreeable to a roster to be kept by the Adjutant of the regiment; and the said court so convened shall have power to enquire into the age and abilities of all persons brought before them, and exempt such as they may judge incapable of service, and also all neglects and omissions, as well by officers as soldiers, and to hear and determine all appeals which shall be made to the court by any non-commissioned officer or private who may think himself unjustly fined by the officers of his company, and to order and dispose of all fines, in the first place for buying drums and fifes, and other necessaries for the use of the company from whence the same shall arise, and afterwards with supplying the militia with arms and accoutrements; and the said court shall cause the judge-advocate (who shall be appointed by the court) to keep a register of all their proceedings, which shall be laid before the colonel or commanding officer of the regiment before the same is published, and allow him a reasonable salary out of the fines. Provided nevertheless, That no regimental court-martial shall have power to try a field officer for breach of duty or otherwise. And provided also, That no officer shall be arraigned before any court-martial on any charge unless the same be lodged in writing with the colonel or commanding-officer of the regiment, setting forth the crime with which he is charged, on which the said colonel or commanding officer shall direct the adjutant of his regiment to arrest such officer, and the adjutant shall at the time of serving the arrest, furnish the officer so arrested with a copy of the same.

XVII. And be it further Enacted by the authority aforesaid, That the court-martial of each and every county shall have full power from time to time, to call the sheriffs or any other person or persons whatsoever to account, on oath, who shall pay to them the monies in the hands of him or them, belonging to their respective regiments, that have accrued or shall or may become due by virtue of this or any other Act, and if any sheriff or other person shall refuse or neglect to appear, account and pay as aforesaid, he shall forfeit and pay the sum of fifty pounds, to be received with costs, by the colonel or commanding officer of the regiment to which such money is or may become due, by action of debt in any court of record in this State, to be applied to the use of the regiment; and when any suit shall be brought by the colonel or commanding officer, and he shall happen to die or resign before such suit shall be determined, the same shall and may be carried on by the next officer in command, in the name of his predecessor who brought such suit, and the death and resignation of such colonel or commanding officer shall not be pleaded in abatement of such suit, nor deemed matter of error, any law, usage or custom to the contrary notwithstanding.

XVIII. And be it further Enacted by the authority aforesaid, That if any officer fails to appear at such court or muster as aforesaid, shall on conviction before a court-martial forfeit and pay, if a colonel, lieutenant-colonel or major, the sum of ten pounds, if a captain the sum of five pounds, and if a lieutenant or ensign the sum of four pounds, unless he or they shall make such excuse for his or their absence as the said court shall judge sufficient, and every captain or commanding officer of a company shall return on oath if required, an exact list of all the persons who have been fined, and whether for absence or want of accoutrements, and every captain or commanding officer of a company shall then and there pay into the court all such fines as he shall have received, under the penalty of fifty pounds, to be levied by a warrant from the colonel or commanding officer of the regiment, which fine shall be applied as other fines by this Act directed.

XIX. And be it further Enacted by the authority aforesaid, That the colonel or commanding officer of each regiment shall procure a copy of this Act and cause it to be read at the head of his regiment each general muster-day, and that each and every captain shall also procure a like copy, and cause it to be read three times in the year at the head of his company, and be allowed for the same out of the fines.

XX. And be it further Enacted by the authority aforesaid, That no officer or soldier ordered or directed by this Act to appear at muster as aforesaid, shall be liable to be taken or arrested by any officer in any civil action or process whatsoever on the day such person or persons is or are directed to appear, in any reasonable time either going to, continuing at or returning home from the place appointed to muster, but every such arrest is hereby declared to be void, and all officers are hereby required to take notice thereof, any law, usage or custom to the contrary notwithstanding.

XXI. And be it further Enacted by the authority aforesaid, That every person able to appear or muster, going to or returning from any muster shall be suffered to pass over any bridge and shall be put over any ferry without delay, free from any charge whatsoever, and if any ferryman shall demand, delay or refuse to put such person or persons over, he shall forfeit and pay for every such offence the sum of twenty shillings, to be recovered by a warrant from a justice of the peace, one half to the informer and the other half to the use of the county wherein the offence was committed.

XXII. And be it further Enacted by the authority aforesaid, That the judge-advocate shall have power to administer all oaths required to be taken by the president and members of any court-martial, also the oath required of witnesses, and shall himself take the following oath, to be administered by the president of such court-martial, viz. "I, A. B. do swear, that I will faithfully execute the duty of my appointment as judge-advocate to the best of my knowledge."

XXIII. And be it further Enacted by the authority aforesaid, That whenever any commissioned officer shall be convicted before a court-martial of having violated this Act, he shall not only be subject to the fines imposed, but shall be cashiered, any law, usage or custom to the contrary notwithstanding.

XXIV. And be it further Enacted by the authority aforesaid, That each and every brigadier-general shall have power and authority to call courts martial, composed of the officers of his brigade not under the rank of captain, for the trial of field-officers, in the same manner as colonels or commanding officers of regiments are herein before directed to call regimental courts martial.

XXV. And be it further Enacted by the authority aforesaid, That when any brigadier-general shall be charged with mal-practice or neglect of duty in his office, the Governor shall order a court-martial, composed of field officers from different regiments, of not less than thirteen members, exclusive of the judge-advocate, in which a brigadier-general shall preside, and if they shall find him guilty of the charge to make report to the next General Assembly.

XXVI. And be it further Enacted by the authority aforesaid, That the same method of training and disciplining of the militia shall be observed as laid down by Baron de Steuben, for training and disciplining the late continental army.

XXVII. And whereas in the county of Rowan it is found inconvenient for the inhabitants who reside on the east side of the Yadkin river to attend

general-musters in the town of Salisbury, for remedy whereof, Be it Enacted by the authority aforesaid, That the colonel or commanding officer of the first battalion shall hereafter cause general-musters for the inhabitants aforesaid to be at Charles Wilson's old field on the east side aforesaid, any thing to the contrary notwithstanding.

XXVIII. And be it further Enacted, that the general musters of the counties of Rowan and Mecklenburgh, except those of the battalion aforesaid, shall be held at such places as such musters have been usually held at heretofore. Provided nevertheless, That nothing in this Act contained shall be construed so as to oblige any of the people called Quakers, Moravians, Dunkards or Menonists to attend any private or general muster.

XXIX. And be it Enacted, That all former laws for regulating the militia of this State, and every part thereof, as far as comes within the purview of this Act be, and they are hereby repealed and made void. (Passed December 29, 1785.)

CHAPTER II.

An Act for Encreasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions, and of the Justices of the Peace out of Court, and Directing the Time of Holding the Several Courts of this State.

Whereas the extension of the jurisdiction of the courts of pleas and quarter sessions of the several counties within this State, may tend to the more speedy furtherance of justice to the citizens therein.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the several county courts of pleas and quarter sessions within this State, shall have, hold and exercise jurisdiction in all actions of tresspass in ejectment, formedon in descender, remainder and reverter, dower and partition, and of trespass quare clausum fregit; any law to the contrary notwithstanding: and from judgments thereon the same right of appeal is hereby granted to any person or persons thinking himself or themselves aggrieved by reason thereof, as in such case is provided by an Act, entitled, "An Act for establishing courts of law and regulating the proceedings therein." Provided nevertheless, That before the granting of any appeal whatever, the attorney praying the same shall certify to the court in writing reasons for his motion, with his opinion that the same are good and sufficient in law why such appeal ought to be granted; which certificate as aforesaid, signed with the name of the said attorney, shall make part of the record, and be transmitted with the other transcript of the cause to the superior court as aforesaid.

And whereas from the manner in which appeals from the county courts of pleas and quarter sessions have been heretofore obtained in numerous instances, frequent injustice has happened to many just suitors from the delay incident to said appeals: For remedy whereof,

II. Be it it further Enacted, That when any appeal prayed shall not be prosecuted, or the court before whom the said appeal may be determined shall affirm the judgment, then shall the appellant be decreed to pay to the appellee, twelve and an half per cent. interest from the passing of the judgment in the county court by which such appeal may have been granted; and the bonds taken for prosecution of appeals with effect shall hereafter make part of the records sent up to the superior court, on which judgment may be instanter entered up against the appellant and his securities; and

no appeal in any cause or court whatsoever shall be abated by the death of either plaintiff or defendant but may be proceeded on by application of the heirs, executors, administrators or assigns of either party.

III. And be it further Enacted, That it shall not be lawful for any court to grant a continuance of any cause therein depending, but by consent of both parties, or on cause shewn by affidavit filed; which cause shall be held sufficient in law for the said continuance.

IV. And be it further Enacted by the authority aforesaid, That single justices of the peace shall, from and after the passing of this Act, have jurisdiction of all debts and demands of ten pounds and under, where the balance due on any speciality, contract, note or agreement, or for goods, wares and merchandizes sold and delivered, or work or labour done, all which matters and things are hereby declared to be cognizable and determinable before any one justice of the peace out of court, and execution thereon may be awarded as directed by the aforesaid recited Act, entitled "An Act for establishing courts of law and regulating the proceedings therein," subject nevertheless to the appeal of any party as by the said Act is provided. Provided always, That judgments given by any one justice of the peace, execution thereon shall be stayed in the following manner, to wit, For all sums not exceeding forty shillings, twenty days; for all sums above forty shillings and not exceeding five pounds, sixty days; and for all sums above five and not exceeding ten pounds, one hundred and twenty days; for the full and truly payment of which with costs and interest till paid, the party requiring such stay of execution shall give sufficient security if required; and if the said judgment shall not be discharged at the time to which the execution thereon may have been stayed, then it shall and may be lawful for any justice to issue execution in the usual form for the same against the principal and his securities.

V. And be it further Enacted by the authority aforesaid, That the several county courts of pleas and quarter sessions herein after mentioned within this State, shall be held hereafter on the following days: For the county of Brunswick on the fourth Mondays in December, March, June and September: The counties of Lincoln, Montgomery, New Hanover, Tyrrell, Dobbs, and Davidson, on the first Mondays in January, April, July and October: The counties of Onslow, Perquimons, Rutherford, Richmond and Wayne, on the second Mondays in the same months: The counties of Anson, Caswell, Burke and Duplin, on the third Mondays of the same months: The counties of Pitt, Wilkes and Cumberland, on the fourth Mondays; and Warren on the last Mondays of the same months: And for the counties of Johnston, on the last Mondays of February, May, August and November: The counties of Edgcombe, Granville, Rowan and Bladen, on the first Mondays in February, May, August, and November; and for the counties of Nash, Surry, Sampson and Chatham on the second Mondays in the same months: The counties of Guilford, Gates, Halifax, Moore and Bertie, on the third Mondays of the same months: The counties of Rockingham, Hertford and Orange, the fourth Mondays, and Hyde on the last Mondays of the same months; and the county of Martin, on the third Mondays in March, June, September and December: The counties of Northampton, Wake, Beaufort and Currituck, on the first Mondays in March, June, September and December: The counties of Randolph, Craven and Camden, on the second Mondays in the same months: The counties of Franklin, Pasquotank and Carteret, on the third Mondays in the same months: The counties of Jones and Chowan, on the fourth Mondays in the same months. To which times respectively, all matters and things in the respective county courts within

this State shall stand adjourned, from the courts which will be next in course after the passing of this Act.

VI. And be it further Enacted by the authority aforesaid, That every coroner in this State at the next court for their respective counties, shall before the justices in court, enter into bond with two or more good and sufficient securities, in the penalty of one thousand pounds, payable to the Governor or his successors, with condition for truly and faithfully executing the office of coroner, and upon a breach of the said condition the bond may be assigned and sued for until the whole penalty is recovered, in like manner as the bonds given by sheriffs.

VII. And be it further Enacted by the authority aforesaid, That in all trials for the recovery of debts contracted previous to the fourth of July, one thousand seven hundred and seventy-six, no interest shall be allowed from that period until the fourth day of July, one thousand seven hundred and eighty-two, where the debtor shall prove the creditor had refused to receive the current money of the State, or had removed him or herself, or remained out of the State within the aforesaid time, or continued within the British lines. (Passed December 26, 1785.)

CHAPTER III.

An Act for the Regulation of Commerce.

Whereas it is become necessary to make some regulations for protecting the commerce of this State and of the United States:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all the duties which have been imposed by former Acts of the General Assembly of this State on goods imported by water, shall be considered as payable on goods that are imported in vessels belonging to citizens of the United States, and the like duties with an addition of twenty per cent. on the same shall be paid on similar goods imported in all vessels owned in whole or in part by foreigners, whose nation at that time have not a treaty of commerce with the United States. Provided nevertheless, That no duty shall be paid on the importation of any goods which have been manufactured within the United States, out of materials which were of the growth of the United States; the owner or master of the vessel in which they are imported, having made oath that such articles and every part thereof are of the manufacture and growth of the United States, or having produced a certificate of the same from the naval officer of the port in which they were shipped.

II. And be it further Enacted, That instead of a duty of two per cent. ad valorem, there shall be paid on all salt imported into this State, in American vessels, or in vessels belonging to the subjects of any government with whom the United States have a treaty of commerce, a duty of two pence per bushel; and all dutiable goods imported by land, shall be considered as having been imported in American bottoms.

III. And be it further Enacted, That a duty of ten shillings shall be paid to the collectors in the ports of Roanoke, Currituck, Beaufort and Bath, on all vessels below the burthen of sixty tons, belonging to the citizens of the United States, or to the subjects of any government with whom the United States in Congress have formed treaties of commerce; and a duty of three pence per ton shall be paid in those ports on all such vessels that are of the burthen of sixty tons or upwards; which duties shall be paid by

said collectors after deducting a commission of five per cent. into the hands of the commissioners of navigation, to be applied instead of the tonnage duty imposed by an Act in 1783, entitled, "An Act for facilitating the navigation, and regulating the pilotage of the several ports of this State;" and so much of the said Act as comes within the pervieu of this clause, is hereby repealed.

IV. And be it further Enacted, That a duty of five shillings per ton be paid to the collectors of the respective ports in this State, on all vessels belonging wholly or in part to foreigners, of any nation with whom the United States in Congress have not at such time a treaty of commerce; one fourth of which duty shall be paid by said collectors to the commissioners of navigation in their respective ports, and the remainder, after deducting their commissions of two and an half per cent. shall be paid into the treasury of this State.

V. And be it further Enacted, That every naval officer prior to his admitting any vessel to an entry, that is alledged to belong to citizens of the United States, shall administer the following oath or affirmation to the master or chief owner, viz: "Port ———— 178———— Then personally appeared before me ———— one of the chief owners, or masters (as the case may be) of the ———— and made solemn oath, or affirmation, that the said ———— is the sole property of the citizens and residents of the United States, and that no foreigner, directly or indirectly hath any share or interest in the same." For which oath and certificate he shall receive four shillings, and no more; and the naval officer shall certify on the back of the register, if it was not thus certified before, that such oath has been made.

VI. And be it further Enacted by the authority aforesaid, That every naval officer, prior to his admitting any vessel to an entry, that is alledged to belong to the subjects of any government with whom the United States have a treaty of commerce, shall administer the following oath to the master or chief owner, which he shall certify on the back of the register, viz: "Port ———— 178———— Then personally appeared before me ———— one of the chief owners or master of the ———— and made solemn oath that the said ————is the property of the subjects and residents of ———— and that the subjects of no other nation have any share or interest in the same." For which oath and certificate he shall also be allowed four shillings, and no more.

VII. And be it further Enacted, That the tonnage of all two decked vessels shall continue to be taken, as by the Act, entitled, "An Act for facilitating the navigation, and regulating the pilotage of the several ports of this State;" but the tonnage of all single decked vessels shall be taken as follows, viz.: Multiply the length of the keel by the breadth of the beam, and that product by the depth of the hold, divide that sum by ninety-four, and the quotient shall be the tons required; but when any difficulty shall arise in obtaining the length of the keel, the collector is authorised to measure the breadth of the beam, which, being multiplied by two and a half, the product shall be taken for the length of the keel.

VIII. And be it further Enacted, That the master of any vessel, or the owner or consignee of any goods imported into this State, having given bonds for the payment of the duties, shall be at liberty to reship any part of the same within three months, that may remain in casks, bales or packages which have not been opened; and he shall obtain a credit on his bond for the amount of the duties payable on the goods thus reshipped as soon as he shall have produced a certificate from the collector in any port belonging to any other State in the union, that such goods have been duly entered

there. Provided always, That before any such goods shall be reshipped, the casks and packages may be examined by the collector, that it may be known whether the goods intended to be reshipped are the same which had been previously entered.

IX. And be it further Enacted, That Josiah Collins, William Littlejohn, John Gray Blount, John Wright Stanley and Spyers Singleton, Esquires, be appointed commissioners for improving the coasting navigation; and they or any three of them shall cause a survey to be made of the coast and beacons or land-marks, to be erected on such places and in such manner as they shall think most conducive to the information and safety of vessels coming on the coast; and the expence of such survey and beacons or land-marks shall be paid them by the collectors, by order of the commissioners of navigation, out of the tonnage duties that shall be collected in the ports of Roanoke, Bath, Beaufort and Currituck, after the necessary expence of keeping up the stakes has been deducted; to which surveys and concomitant expences, the commissioners of the several ports mentioned, shall contribute respectively in the same proportions they contribute to the stakeage of the swatch.

X. And be it further Enacted by the authority aforesaid, That the commissioners of navigation heretofore appointed by law, and their successors, shall have full power to cause the navigation from the town of Beaufort to Neuse river, to be staked as other channels, any law to the contrary notwithstanding.

XI. And whereas some persons to evade the payment of duties, may navigate their vessels with a double set of papers, Be it further Enacted, That if it shall appear that any vessel has cleared at any naval office in this State, which was at the time of such clearance possessed of two sets of papers, that is to say, if it shall be made appear that any vessel which has cleared at any naval office in this State, as the property of the citizens of this State, shall afterwards enter and discharge her cargo taken in and cleared as aforesaid, in any foreign port, as the property of a foreigner, said vessel, upon her return to this State shall be forfeited, and may be seized by the naval officer of the port where she may be found, or by any other person who may prosecute the same, for his own benefit and for the benefit of the State.

XII. And be it further Enacted, That this Act shall be in force from the first day of February next.

XIII. And be it further Enacted, That from and after the passing of this Act, the several collectors of the duties on imposts shall not be obliged to settle their accounts with the treasurer of this State oftener than once in every twelve months. (Passed December 29, 1785.)

CHAPTER IV.

An Act to Enable the Public Treasurer More Effectually to Recover Public Monies That Are Now Due or Hereafter May Become Due.

Whereas it appears to the General Assembly that by the neglect of many of the clerks of the county courts failing to make returns of the former sheriffs, receivers of quit-rents and duties, and county treasurer's bonds, and the taxable property and polls within their respective counties, it is impracticable for the public treasurer to perform the duties by law required. And whereas there are many entry-takers and others, who owe considerable

sums of money, and cannot be called to account by the said treasurer: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the clerk of each and every county court within this State shall, and they and every of them are hereby required to transmit to the public treasurer at his office, on or before the first day of June in each and every year, attested copies of the bonds of the former sheriffs, receivers of quit-rents and duties, and county treasurers, with the amount of taxable property, and polls subject to pay a public tax, for the preceding year, setting forth in such return the quantity of each species of property subject to be taxed as aforesaid, and the number of polls within his county; and at the same time the said clerks shall and they are hereby required to return to the said treasurer, the bonds of the entry-takers of their respective counties, if any such shall be in their office; and if no entry-taker is in the said county, then the clerk shall certify the same to the treasurer.

II. And be it further Enacted by the authority aforesaid, That the clerk of each and every of the superior and county courts shall, and they are hereby required at the time for making returns of the copies of the former sheriffs, receivers of quit-rents and duties, and county treasurer's bonds as aforesaid, to render unto the treasurer, an account of the fines, forfeitures and amercements that are due and payable for the use of the State; and at the same time pay into the treasury the money due thereon, or so much thereof as he shall have received; and if no such fines or forfeitures have been recovered in any of the said courts, the clerk of such court shall certify the same.

III. And be it further Enacted by the authority aforesaid, That on application of the treasurer to the clerk of any county court for a copy of the record certifying who was the sheriff, receiver of quit-rents and duties, and county treasurer, and their securities, for any one or more years since the year one thousand seven hundred and fifty; or for the sheriffs bonds, or a copy thereof if recorded in his said office, or for the amount of the public taxes for any one or more years, or for the settlement made by any sheriff with the court of such county, the said clerk is hereby directed and required to transmit the same unto the treasurer, and for each and every copy made and transmitted by such clerk, he shall be allowed the sum of eight shillings, to be paid out of the county tax, on his producing the treasurer's receipt therefor.

IV. And be it further Enacted by the authority aforesaid, That if any of the clerks of the superior or county courts, shall fail or neglect to comply with the directions of this Act, he or they so offending, shall forfeit and pay the sum of fifty pounds current money, to be recovered by action of debt in any court of record having cognizance thereof; and the public treasurer is hereby required to commence and prosecute a suit or suits, in the name of the Governor for the same; and on recovery thereof to be applied as other public monies.

V. And be it further Enacted by the authority aforesaid, That each and every officer and other person within this State, who hath in his or their possession any bonds for which the money due thereon is payable for the use of the State, are hereby required to deliver such bonds into the treasurer's office as soon as may be. Provided, That this Act shall not be construed to extend to compel the collectors of impost to deliver up the bonds

taken for payment of the duties on goods imported into this State or superintendents of sales of confiscated property.

VI. And be it further Enacted by the authority aforesaid, That if any former sheriff, receiver of quit-rents or duties, or county treasurer, shall hereafter fail or neglect to account for and pay into the public treasury the public tax of his county, at the time by law required, he shall not be allowed his commissions on the money by him received or to be received by virtue of his said office, unless such former sheriff, receiver of quit-rents and duties, or county treasurer, shall produce a certificate from the clerk of the court, that the said county treasurer, proceeded agreeable to Act of Assembly for the recovery of the said tax from the collector or collectors who failed to account with him.

VII. And be it further Enacted by the authority aforesaid, That the treasurer shall and is hereby required, as soon as may be after the first day of December in each year, to make an exact statement of the balances due on the public tax by each former sheriff or county treasurer for the preceding year, and publish the same. (Passed December 29, 1785.)

CHAPTER V.

An Act for Emitting One Hundred Thousand Pounds Paper Currency, for the Purposes Therein Expressed.

Whereas the pressing circumstances of our domestic and foreign debts, evince the necessity of emitting a further sum of one hundred thousand pounds in paper currency, to be applied to discharge a part of the foreign debts due from the United States, and a part of the current expences of the federal government. As also to make provision for the payment of the civil list of the government of this State, and for the redemption of certificates issued for interest by the commissioners of continental loans in this State, and also for the redemption of due bills issued by Benjamin M'Culloch and Henry Montfort, Esquires, commissioners appointed to settle with the officers and soldiers of the continental line of this State:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That one hundred thousand pounds be emitted in paper bills of credit on the faith and credit of this State, in bills of the following denominations, to wit, Twenty-four thousand three hundred and seventy-five bills of forty shillings each, twenty-five thousand bills of twenty shillings each, twenty-five thousand bills of ten shillings each, twenty-five thousand bills of five shillings each, twenty-five thousand bills of two shillings and six pence each, twenty-five thousand billls of two shillings each, twenty-five thousand bills of one shilling each, and twenty-five thousand bills of six-pence each: That the same be printed in a printing press; and that such persons as shall be elected by joint ballot of both houses of the General Assembly, shall be commissioners to sign and deliver the same to the public treasurer, to be by him applied as hereafter by this Act directed.

II. And be it further Enacted by the authority aforesaid, That the general form of the bills hereby directed to be emitted, shall be as follows, to wit, "This Bill of ——— shillings shall be a tender in all payments whatsoever, agreeable to an Act of Assembly passed at New Bern, the twenty-ninth day of December, Anno Domini one thousand seven hundred and eighty-five." And such bills shall be impressed and printed the whole of them on good paper of the same fabrication, both in the face and reverse

thereof, on the edges as well as the body, with divers letters, marks, devices and words; which may be difficult of imitation, and which in the opinion of the said superintendents may most effectually secure the same from attempts to counterfeit.

III. And be it further Enacted by the authority aforesaid, That each pound of the emission aforesaid, shall be deemed and held equal to two and an half Spanish milled dollars, and shall be a lawful tender in all payments whatever.

IV. And be it further Enacted by the authority aforesaid, That the persons appointed by this Act to superintend the press, number, sign and pay the bills into the public treasury, shall each take an oath before some justice of the peace, well and truly to execute the duties and discharge the trust by this Act required; and they shall enter into bond to the Governor for the time being and his successors, with sufficient security to be by him approved, in the sum of two hundred thousand pounds, for the faithful and due performance of the duties by this Act required.

V. And be it further Enacted by the authority aforesaid, That each and every commissioner for superintending the press, and numbering or signing, and paying into the public treasury, shall receive for every thousand bills by them signed or numbered and delivered into the public treasury, the sum of twelve shillings, to be paid out of the money by them paid into the treasury.

VI. And be it further Enacted by the authority aforesaid, That the commissioners by this Act appointed, shall be and are hereby empowered to purchase paper and materials, and to employ a printer to print the said bills, and may draw on the treasury into which the aforesaid bills shall be paid for the money necessary for the same, and their drafts shall be admitted as vouchers in the settlement of the treasurer's public accounts.

VII. And be it further Enacted by the authority aforesaid, That the superintendents of the press, as soon as they have struck the sum of money hereby directed to be emitted, shall break and destroy, or cause to be broken or destroyed, such types, dies, or other emblems as they shall have used in printing and impressing the same.

VIII. And be it further Enacted by the authority aforesaid, That whoever shall, by printing, writing, engraving, or by any other ways and means, counterfeit any of the said bills of credit emitted by virtue of this Act, or any part, words, letters, name, emblem or device of the same; or shall make any die, press, type or other instrument for emitting or counterfeiting any of the said bills, or any part, letter, name or device thereof, except by authority of law, (or in case where such may be signed in order to bring suspected persons to justice;) or shall alter or deface any of the said bills with intention to change the value or denomination thereof; or shall knowingly pass or utter any counterfeit likeness of any of the said bills, being thereof lawfully convicted by confession or verdict, or on arraignment on trial stand mute, or challenge peremptorily more than thirty-five jurors, every such person shall suffer death without benefit of clergy.

IX. And be it further Enacted by the authority aforesaid, That if any commissioner appointed by this Act to sign the said bills of credit, or superintend and number the same, shall die, refuse to act, or resign, remove or become disabled or disqualified, it shall and may be lawful for the Governor to appoint one in his stead; and such commissioner shall give bond, and be subject to the same rules and regulations as the commissioners heretofore named.

X. And be it further Enacted by the authority aforesaid, That the bills

of credit to be emitted in virtue of this Act, shall be impressed, signed and numbered at Hillsborough.

XI. And be it further Enacted by the authority aforesaid, That the treasurer after receiving the money by this Act directed to be emitted, shall be and is hereby directed and required to pay the same out of the treasury for the purposes in manner hereafter mentioned, and for no other purposes, that is to say, To a warrant of the Governor in favour of the commissioners for their expenditures in printing and purchasing paper, they having first settled their accounts with the comptroller of this State; to the warrant of Governor for the allowance of the commissioners for superintending the press, numbering, signing and delivering the bills into the public treasury; to the order of the General Assembly for allowances given to their members and officers for their attendance and service, and the warrant of the Governor for the salary or allowance of the civil list for their services performed.

XII. And be it further Enacted by the authority aforesaid, That a further sum, not exceeding thirty-six thousand pounds, shall be paid to such persons as shall be elected by ballot as aforesaid for the express purpose of purchasing tobacco, deliverable at the towns of Halifax, Tarborough and Fayetteville; whereof the commissioners for Fayetteville shall receive sixteen thousand pounds; which commissioners shall not on any occasion be allowed to give more than fifty shillings for each hundred weight of merchantable tobacco by them respectively purchased, when inspected at the respective warehouses of the said towns; which said tobacco shall be purchased by the said commissioners, and shall be by them shipped to such ports in Europe, or the West Indies, or elsewhere, as they shall be advised by the board of treasury, to such persons from whom bills of exchange or monies may be procured for the payment of the proportionable part of this State, of the debt due from the United States, to be subject to the orders of the board of treasury of the United States, and to obtain releases and discharges for so much monies paid as aforesaid in behalf of this State: whose transactions shall be laid before the Governor every three months, and before the next General Assembly: and the Governor shall from time to time, whenever it shall appear from their report that any considerable quantity of tobacco is in the hands of the commissioners ready for exportation, give information thereof to the board aforesaid, and request their direction with respect to the same: and the said commissioners shall for their trouble be allowed the sum of two and an half per cent. for this service: provided that the commissioners to be appointed by virtue of this Act, shall previous to entering into the execution of their office take the following oath, "I, A. B. do solemnly swear that I will not trade with or part from any of the public money by me received by virtue of my appointment, but as is prescribed by the true intent and meaning of this Act:" and the said commissioners before their receiving the said monies and entering upon the duties of their appointment, shall enter into bond with two or more securities, in double the sum they shall respectively receive, payable to the Governor for the time being and his successors in office, for the true and faithful performance of the trusts reposed in them and duties by this Act directed.

XIII. And be it further Enacted by the authority aforesaid, That the residue of the said sum of money emitted as aforesaid, shall be reserved in the hands of the treasurer for the payment of all such claims which have been granted or which shall hereafter be granted to the citizens of this or the United States, or any other person whatsoever, by the General Assembly,

he or they obtaining the Governor's warrant for such claim particularly specified.

XIV. And be it further Enacted by the authority aforesaid, That the tax of Six-pence on every hundred acres of land, one shilling and six-pence on every poll, and one shilling and six-pence on every hundred pounds value of town property, shall be levied in each and every year, to commence and be first paid for the year one thousand seven hundred and eighty-six; which shall be a sinking fund to sink the paper money in circulation, no part of which shall again go in circulation except the commissions given for the collection of said tax. (Passed December 29, 1785.)

CHAPTER VI.

An Additional Act to Amend the Several Acts for Regulating the Town of Wilmington, and to Regulate and Restrain the Conduct of Slaves and Others in the Said Town, and in the Towns of Washington, Edenton and Fayetteville.

Whereas the proprietors of the water lots in the southern end of the town of Wilmington, have petitioned this present General Assembly, setting forth that the said lots, occasioned by the winding of the river, are of a very inconvenient length, measuring from Front street to the water, where shortest about four hundred and seventy feet, and where longest about eight hundred and thirty feet; and praying that a communication from South street through the said lots until it intersects Church street, and as near to Nun street as may be found proper and convenient, may be opened and established by law, in such manner as will be most beneficial to the owners thereof, and as the commissioners of the said town shall direct, but so as that such communication shall not be less than sixty-six feet wide. And whereas it appears from the said petition, that the original proprietor of the said town of Wilmington intersected the said lots with a street, and that many of them were sold and disposed of as divided by the said street, and it will be more commodious for the inhabitants and others who may have occasion to transact business in the said town, to have the communication opened and established by law:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the commissioners of the said town of Wilmington, and they are hereby required to lay out a new street, from South street across the water-lots until it shall intersect Church street, and as near to Nun street as shall be found proper and convenient; and that such new streets shall be laid off and marked as soon as the same can conveniently be done after the passing of this Act.

And whereas after the said street shall be laid off, most of the water lots between South street and Castle street, will still continue much longer than any other lots in the said town and it may be found convenient to open a street through them near the river:

II. Be it therefore Enacted by the authority aforesaid, That the commissioners of the said town, may by the consent of the proprietors of three-fourth parts of the said lots, between South street and Castle street, lay out and mark a street intersecting the said lots near the water, but so as to leave sufficient room for wharves and warehouses, and not less than sixty-six feet for the width of such street.

III. And be it Enacted by the authority aforesaid, That the streets, and each of them to be laid off and marked by virtue of this Act, shall be

deemed public streets; and shall be under the same jurisdiction, restrictions and regulations as other streets in the said town of Wilmington.

And whereas the raising a revenue by casual and other taxations and rents will tend to lessen the annual tax on the inhabitants of the said town of Wilmington:

IV. Be it therefore Enacted by the authority aforesaid, That the said commissioners shall out of the public monies which shall from year to year be by them assessed and collected, or which shall be paid to the town treasurer for fines or otherwise, construct and erect stalls in the market places; and that all persons bringing provisions of any kinds, or fruits, for sale, shall pay for the use of the said market place or stall such tax as shall be assessed by the commissioners from time to time; which taxes shall be rated according to the quantity of provisions and fruits to be exposed to sale in the said market places, That is to say, Stipulated sums for every beef, mutton and veal and so of all other animal food; and stipulated sums for certain quantities of fruits and other vegitable productions to be paid to such officers as shall be appointed to collect the same, by the persons respectively who shall bring such provisions and fruits to the said town for sale, whether by land or water. Provided always, That the commissioners may suffer and permit persons bringing provisions and fruits to market in boats, to sell and dispose of the same at any public or private wharf, with the consent of the owner thereof; and persons bringing such by land to sell the same (butcher's meat excepted) from their carts contiguous to the market places.

V. And be it Enacted by the authority aforesaid, That it shall and may be lawful for the commissioners of the said town, and they are hereby required as soon as their funds will permit, to build cellars under their market places or other public buildings in the said town, where the elevation of the ground will permit such cellars to be sunk of a proper depth; and such cellars to rent out from time to time for the benefit of the said town.

And whereas it is customary for many persons, as well in the country as in the several towns in this State, to permit their slaves to hire themselves out from day to day, by which great profits are acquired, and it is reasonable that those persons who derive such advantages from the labour of their slaves in the towns should contribute more than the ordinary taxes towards its support, and at the same time that a distinction should be made between such slaves as may be returned as taxable property in the said towns respectively, and such whose owners reside in the country, and return their taxable property there, although part of their slaves generally work in the towns. And whereas permitting slaves to hire themselves under proper restrictions and regulations, may be rendered convenient for such persons as may occasionally want daily labourers:

VI. Be it therefore Enacted by the authority aforesaid, That from and after the first day of May next, it shall not be lawful for any slave in the towns of Wilmington, Washington, Edenton or Fayetteville, to hire her or himself out, without first producing a permission in writing from the owner, or other persons having the care or management of such slave, directed to the commissioners, trustees or directors of the town where such slave shall be; who thereupon shall cause the said permission to be entered by the town clerk in their books and filed, for which the owner of the slave shall pay a fee of one shilling; and the commisisoners shall cause a leaden or pewter badge to be affixed to some conspicuous part of the outer garment of such slave with a device, which may be altered from time to time, expressive of the intention of such badge; and every slave having a badge

in manner by this Act directed, may hire him or herself out, and may lawfully be hired by any person or persons whatever.

VII. And be it Enacted by the authority aforesaid, That for all slaves who shall have badges as above directed, and who shall be town taxables, there shall be paid as follows, to wit, For every male slave being a tradesman there shall be paid yearly to the commissioners, trustees or directors the sum of sixteen shillings; for every male slave not being a tradesman the sum of ten shillings, and for every female slave the sum of eight shillings; but if any slaves having such badges shall not be returned as town taxables, then there shall be paid for every male slave being a tradesman twenty-four shillings; for every male slave not being a tradesman the sum of fifteen shillings, and for every female slave twelve shillings, to be applied as other taxes assessed and collected in the said towns.

And that the taxes upon slaves having badges may be more easily collected and all fraud and evasion prevented:

VIII. Be it Enacted by the authority aforesaid, That the taxes imposed by this Act on slaves who shall be returned as town taxables, shall be paid and collected in the same manner as other town taxes; and that the taxes imposed on such slaves as may not be returned as town taxables, shall be paid or secured to be paid, to the satisfaction of the commissioners, trustees or directors, on or before the first day of July in every year, before any badge shall be by them granted as aforesaid.

And whereas there are many slaves in the said towns, who contrary to law have houses of their own, or are permitted to reside in the outhouses or kitchens of divers of the inhabitants, or in the houses of the free negroes, mulattoes, persons of mixed blood and others, and work and labour for themselves in several trades and occupations, stipulating to pay their owners such daily, weekly or monthly wages as shall be demanded of them; by reason of which robberies and frauds frequently happen, servants are corrupted, and the poor white inhabitants are deprived of the means of earning their subsistence by labour: For remedy whereof,

IX. Be it Enacted by the authority aforesaid, That no slave shall be permitted to exercise any trade or occupation in the said towns respectively without a certificate from the owner, or other persons having the care or management thereof, directed as aforesaid, or without such badge as shall be given to slaves permitted to hire themselves; and all slaves permitted to exercise any trade or occupation as aforesaid, shall be subject to pay the same tax as slaves who are not returnable as taxable property in the towns aforesaid, and to be paid or secured in manner as before directed. Provided always, That nothing herein contained, shall extend or be construed to extend to prohibit any person or persons residing in the said towns respectively, from hiring out their slaves, or in employing such slaves in exercising any trade or occupation under the immediate direction of their owners residing in the said town, so that such slave or slaves be not permitted to receive the wages contracted for, nor the value of any article manufactured or made, or the work and labour done, but in all such cases the owner or other person having the care of slaves, shall make the contract and receive the monies arising therefrom.

And in order to discriminate between free negroes, mulattoes and other persons of mixed blood, and slaves:

X. Be it Enacted by the authority aforesaid, That all persons of the above mentioned description, who are or shall be free, shall on or before the said first day of May next, apply to the commissioners, trustees or directors of the respective towns aforesaid, in order to have their names regis-

tered; and every such person coming into the said towns respectively to reside, shall within three days after their arrival make the like application; and the commissioners, trustees or directors are hereby authorised and required to give every such free person a badge of cloth, of such colour or colours as they shall respectively direct, to be fixed on the left shoulder, and to have thereon wrought in legible capital letters the word FREE: For registration of each of which names the town clerk shall receive two shillings, and the commissioners, trustees and directors respectively shall receive the sum of eight shillings for the use of their respective towns; which registration and badge shall continue in force during the time that such free person shall remain an inhabitant of the town in which he or she shall reside; and if any free negro, mullatto or other person of mixed blood, shall neglect or refuse to apply to the commissioners, trustees or directors as aforesaid, or shall refuse to receive a badge in manner by this Act directed, every such person so neglecting or refusing shall be subject to pay the same tax that is hereby imposed on slaves who are not returned as town taxables, and who shall have badges to enable them to hire themselves; and that such free persons may be the better known, the justices of the peace who shall receive the returns of taxable property in said towns, shall in their yearly returns describe all such persons as are free, and are negroes, mullattoes or otherwise of mixed blood as aforesaid; and all such persons as aforesaid not paying their fines, fees and taxes shall be hired out for so long time as will pay the same respectively.

XI. And be it further Enacted by the authority aforesaid, That the commissioners of the said town, shall and may from time to time, make such ordinances and regulations, and under such fines, forfeitures and penalties as to them shall seem reasonable, for the better carrying the intentions of this Act, and other Acts for the better regulation of the said towns into execution, but so as that such ordinances and regulations do not contravene the fundamental constitution and laws of the State, and so that the party thinking himself aggrieved thereby may appeal to the county court.

XII. And be it Enacted by the authority aforesaid, That if any slave permitted to hire him or herself out in manner by this Act directed should happen to be capitally convicted for any crime committed during the time that he or she shall have such permission, the owner of such slave shall not be allowed any compensation from the public or otherwise for the value thereof when executed.

XIII. And be it also Enacted by the authority aforesaid, That if any free person of mixed blood, or any free negro, residing within any of the said towns, shall be convicted of any felonious crimes with slaves in the town where he or she shall so reside, or shall receive any goods from any slave or slaves without a ticket from his, her or their owner or other person having the care and management of such slave or slaves, or shall receive or harbour in his or her house or otherwise, any runaway or absconding slave or slaves, every such free person being a negro or of mixed blood as aforesaid, shall upon conviction, forfeit and pay to the commissioners, trustees or directors of the town in which he or she shall reside the sum of ten pounds, to be levied of his or her property real or personal and applied to the stock of the town. Provided always, That if any such free person so convicted as aforesaid, shall upon such conviction signify his or her consent to remove from such town, and shall give security for such removal within ten days thereafter; and also that he or she will not reside in such town or within ten miles thereof, for the space of seven years, then it shall and may be lawful for the commissioners, trustees or directors as

the case may be to take such security payable to themselves and their successors in office, and upon breach of the condition to put the same in suit and recover the penalty for the use of their town; and upon such bond being taken with security as aforesaid, the penalty inflicted upon conviction as before directed, shall be remitted to the offender, any thing herein contained to the contrary notwithstanding.

And whereas the laws and regulations made to prevent dealing and trafficing with slaves, have been found insufficient to prevent that dangerous and pernicious practice:

XIV. Be it therefore Enacted by the authority aforesaid, That if any free person shall either buy from or sell to any slave or slaves, or shall barter with any slave or slaves, any kind of goods or commodities whatsoever, or other thing, without a permission in writing from the master, mistress or other person having the management of such slave or slaves, every such free person shall on conviction forfeit and pay the sum of ten pounds, to be levied of his or her property as other recoveries by law; and if the offender shall not have sufficient property to satisfy the judgment, then such offender shall be committed to close custody, and shall remain in prison without bail or mainprize for any time not exceeding three months.

XV. And it is hereby further Enacted by the authority aforesaid, That if any person or persons shall be convicted of entertaining any slave or slaves in his, her or their house or houses, or other place or places, in any manner whatsoever, for money or otherwise, every person convicted thereof shall forfeit and pay to the commissioners, trustees or directors of the town where such offence shall be committed, for the first offence ten pounds, for the second offence twenty pounds, and for the third offence shall be whipped publicly not exceeding thirty-nine lashes, and shall be thereby rendered infamous. Provided always, That when the offender shall be unable to pay the forfeiture, he or she may be whipped for the first or second offence or either of them.

And in order that persons dealing with slaves without permission as aforesaid, may the more easily be convicted:

XVI. Be it Enacted by the authority aforesaid, That if any slave shall be seen going into any store or other house, and such slave shall carry into such store or house, any article or articles which may be supposed for sale, or any bottle, jug or other thing in which liquor may be conveyed, or shall bring out of such house or store anything which may be supposed to have been purchased therein, and such slave shall not have a badge as herein before directed for slaves who may be permitted to follow some trade or occupation, and proof shall be made of the facts, the same shall be deemed sufficient to convict the offender, unless he or she can produce a permission as aforesaid in writing from the master, mistress or person having the management of such slave. Provided always, That nothing herein contained shall be construed to prevent any slave or slaves from delivering to any person or persons residing in any of the said towns, any article of provisions or other thing which may be sent to any such person from their friends in the country or elsewhere, provided such slave has a written permission for so doing.

XVII. And be it further Enacted by the authority aforesaid, That commissioners, trustees and directors of the said towns respectively, are hereby empowered and required to make such additions to and explanations of the several clauses of this Act, relative to slaves, free negroes, and free persons of mixed blood, as may tend to carry the same more effectually into execution against all persons who come within the purview thereof. Pro-

vided always, That all appeals from the commissioners, trustees or directors of the said towns respectively shall be tried by a jury. (Passed December 29, 1785.)

CHAPTER VII.

An Act to Secure and Quiet in Their Possessions all Such Persons, Their Heirs and Assigns who Have Purchased, or May Hereafter Purchase Lands and Tenements, Goods and Chattels, Which Have Been Sold, or May Hereafter Be Sold by Commissioners of Forfeited Estates, Legally Appointed for That Purpose.

Whereas by force of sundry Acts of the General Assembly of this State, heretofore passed, commonly called Confiscation Acts, the lands and tenements, goods and chattels, rights and credits of divers persons, specified by name, and all other persons in circumstances similar to those so specified, are declared to be forfeited to this State, and in virtue of the said Acts, and of other Acts for carrying into effect the said Acts, commissioners have been from time to time appointed for seizing all such forfeited estates and making sale thereof for the use and benefit of the said State. And whereas it is declared by the said Act that the sales of the said commissioners shall be good and valid in law, and shall vest in the purchaser, his heirs and assigns, as good and absolute estate in fee simple, in all such property so purchased, as the person from whom sold possessed on the fourth day of July, one thousand seven hundred and seventy-six, or at any time since; and the said Acts do further provide; that in case any estate so sold should afterwards appear to have been the property of infants, feme coverts, or any person or persons not described or meant to be included in the penalties of the said confiscation laws, that then and in such case, such favorable circumstances being made to appear to the satisfaction of the General Assembly, such person or persons should be entitled to receive all such sums of money or monies which such estate or estates did sell for, together with an interest of six per cent. thereon: And whereas in virtue of the said Acts of the General Assembly, commissioners have been appointed, and in pursuance of their duty have actually sold and disposed of great part of the estates so heretofore forfeited and vested in this State, to the citizens thereof and of the United States; and it is highly reasonable and just that all such purchasers, their heirs and assigns, should be protected from expensive and vexatious law-suits which have been or may be commenced against them or any of them by the abnoxious and disqualified persons so specified in said Acts, commonly called Confiscation Acts, or by any other person, or persons whatsoever, claiming by, from or under them or any or either of them, by any Act, deed, gift, will or other conveyance whatsoever, unless the same were actually made bona fide before the fourth day of July one thousand seven hundred and seventy-six: Wherefore,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That persons holding or deriving titles to any real or personal estate, under a sale or sales lawfully made by commissioners of forfeited estates legally appointed for such purposes, shall be deemed not liable to answer any suit or suits in law or equity, which hath been, or may be commenced by any person or persons so specified or described in the said confiscation Acts as inimical to the States, or by any person or persons whatsoever, claiming by, from, or under them, or any or either of them; and that the courts respectively,

shall and may, and they are hereby required, in all such cases upon the motion or affidavit of the defendant or other person, and by his deeds and other documents, making it appear that he holds and derives his title to the lands, or chattels in question, under and by the sale of a commissioner or commissioners of forfeited estates legally appointed, to dismiss all such suitors, suits, action or actions, at the proper costs and charges of the plaintiff or plaintiffs, any law, usage or custom to the contrary notwithstanding. (Passed December 29, 1785.)

CHAPTER VIII.

An Additional Act to an Act, Entitled, "An Act for Raising a Public Revenue for the Support of Government," and to Repeal an Act, Entitled, "An Act to Suppress Excessive Gaming."

Whereas since the passing of the before recited Act, an evil species of gaming has been introduced into this State, known by the name of the A. B. C. and E. O. tables, greatly to the prejudice of the good people of this State: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the following duties, impositions and taxes be collected and accounted for in the same manner as the duties and taxes imposed by the before recited Act, in addition to said Act, that is to say, on every A. B. C. table now in or that hereafter shall be brought or made in this State, the sum of two hundred and fifty pounds; for every E. O. table the same sum, and for every species of gaming of like kind and nature, the sum of two hundred and fifty pounds as aforesaid.

II. And be it further Enacted, That it shall not be lawful for any person or persons claiming or owning one or more of the said tables, to remove himself or table, or attempt to move himself or table out of the county, where such shall be under the penalty of paying the sum of five hundred pounds, to be recovered in any court of record in this State, one half for the person suing for the same, and the other half for the use of the State, until such person claiming or owning any of the above-mentioned tables shall fully comply with the direction and intention of this Act. (Passed December 10, 1785.)

CHAPTER IX.

An Act for Levying a Tax for the Support of Government, and to Continue the Redemption of Continental Money, Old Paper Currency, Specie and Other Certificates.

I. Be it Enacted by the General Assembly, and it is hereby Enacted by the authority of the same, That for the year one thousand seven hundred and eighty-six, a tax of five shillings on every hundred acres of land, and a tax of fifteen shillings on every poll, and a tax of fifteen shillings on each and every hundred pounds vaule of town lots with their improvements, in this State, shall be levied and paid in State currency, or in gold or silver at the rates established by law, in continental or State dollar bills, or soldiers bounty certificates at the rate of eight hundred for one, in specie certificates of any kind at their nominal value with the interest due thereon, or currency certificates as rated by the Act for the sale of confiscated property.

Provided, The continental or State dollar bills, specie and other certificates shallnot be received for more than one-half of said tax.

II. And be it further Enacted by the authority aforesaid, That the above-mentioned tax shall be collected, paid and accounted for as directed by an Act, entitled "An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same and collecting the public taxes;" and also an Act, entitled "An Act for the more regular collecting, payment of and accounting for the public taxes." (Passed December 29, 1785.)

CHAPTER X.

An Act to Amend an Act, Entitled "An Act for Opening the Land Office and Other Purposes."

Whereas it is found altogether impracticable for the different surveyors within this State, to compleat their surveys in their districts and counties agreeable to an Act of the General Assembly, passed at Hillsborough in the year seventeen hundred and eighty-three.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That in order to secure the rights of those persons who have entered lands with any of the entry-takers, or may be possessed of warrants granted by the secretary of State to the officers and soldiers of the continental line of this State, a further indulgence of eighteen months be granted the surveyors, in order to compleat the surveys on such warrants as may have issued previous to the passing of this Act, any law to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That in all cases where the office of entry-taker shall become vacant, that then and in that case, the successor in office shall and is hereby authorized and required to make out and issue all warrants which shall not have been made out, that all warrants so made out and issued shall be and are hereby made as valid as if they had been executed by the entry-taker who received the entry. Provided, That such entry-taker shall not be accountable for such monies as by law directed to be received for entries of land made previous to his appointment to the office. (Passed December 29, 1785.)

CHAPTER XI.

An Act to Amend an Act Passed at New Bern in November One Thousand Seven Hundred and Eighty-Four, Entitled "An Act to Describe and Ascertain Such Persons Who Owed Allegiance to This State, and to Impose Certain Disqualifications on Certain Persons Therein Described."

Whereas it appears to the General Assembly of North Carolina, by the petitions from several counties in this State, that the above recited Act has not had the desired effect:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That every person who at any time since the fourth day of July one thousand seven hundred and seventy-six, attached himself to, or traiterously corresponded with, or in any manner aided or abetted the enemies of this State in prosecuting the late war, shall be incapable of holding or exercising the office of

Governor, councellor of State, delegate in Congress, judge or justice of the peace, member of the General Assembly, or any office of honour, profit or trust whatsoever within this State.

II. And be it further Enacted by the authority aforesaid, That any person of the above description, offering himself as a candidate, or consenting to serve as a member for any county in the General Assembly, or who shall hereafter offer as a candidate for, or accept of or qualify to either of the aforementioned offices, or holding either of the said offices shall presume to continue to exercise the same ten days after being served with an authentic copy of this Act, or after the expiration of three months from the ratification hereof, shall forfeit and pay the sum of five hundred pounds current money for every such offence, to be recovered in any court of record within this State, one half to be applied to the use of the person suing for the same and the other half to the use of the State. Provided nevertheless, That nothing herein contained shall be construed to exclude any of the good citizens of this State from holding and exercising any of the aforesaid offices, who were under the necessity of receiving protection from the late common enemy, and who, after receiving that protection did not stay voluntarily with them, nor took an active part in any manner, by furnishing them willingly with provisions or bearing arms against this State, or accepting any appointment under the said enemy, civil or military, and the said unfortunate citizens, having only received protection as aforesaid, and having renewed their allegiance to the State in good time, are hereby restored to the rights and privileges of citizens as fully as if they never had received protection from the common enemy as aforesaid, any law to the contrary notwithstanding. (Passed December 29, 1785.)

CHAPTER XII.

An Act Directing That Marriage Settlements and Other Marriage Contracts Shall Be Registered, and for Preventing Injury to Creditors.

Whereas marriage settlements and other marriage contracts, binding the estates of the husbands, have been frequently made and kept secret, whereby the possessors upon the credit of their apparent property have been enabled to contract great debts to the manifest deception and injury of their creditors: For remedy whereof for the future,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all marriage settlements and other marriage contracts whereby any money or other estate shall be secured to the wife or husband heretofore made, and which have not had their effect, shall be proved in the same manner as other deeds, and shall be registered in the proper county on or before the first day of May next; and all marriage settlements and other marriage contracts hereafter to be made, shall be proved within six months after the making thereof, and registered within one month thereafter; and all marriage settlements and other marriage contracts not proved and registered according to the directions of this Act shall be void against creditors, any law to the contrary notwithstanding.

II. And for preventing injury to creditors, Be it Enacted and declared by the authority aforesaid, That no marriage settlement or other marriage contract shall be good against creditors, where a greater value is secured to the intended wife and the children of the marriage, or either of them, than the portion actually received with the wife in marriage, and such estate as the

husband at the time of his marriage shall be possessed of after deducting the just debts by him then due and owing, and in case of any suit upon any such marriage contract, where any creditor or creditors shall be a party, the burthen of the proof shall lie upon the person or persons claiming under such marriage contract. Provided always, That if any legacy or legacies shall be given to the wife in general words, and not in trust or a distributive share or shares of any intestate's estate shall fall to her during her coverture, such legacies and distributive shares (in case the estate of the husband and wife shall not at the time of the marriage be of sufficient value to make good the marriage contract) shall be held, deemed and taken as part of the portion received with the wife, and shall be secured to those claiming under such marriage contract, anything herein contained to the contrary notwithstanding.

CHAPTER XIII.

An Act to Empower Commissioners to Liquidate the Accounts of the Officers and Soldiers of the Continental Line of This State, and to Revive the Late Boards of District Auditors for a Limited Time.

Whereas the commissioners heretofore appointed for liquidating the accounts of the line aforesaid, have not been able to receive all the accounts aforesaid, in a great measure owing to the shortness of the time given for that purpose in the Act of Assembly passed at New Bern, in November one thousand seven hundred and eighty-four; whereby many of the good citizens of this State are greatly injured: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Benjamin M'Culloch, John Macon and Henry Montfort, Esquires, are hereby appointed commissioners to liquidate the remainder of the accounts due officers and soldiers of the continental line of this State; and are hereby invested with the same powers with respect to the settlement of accounts, and are under the same restrictions as the commissioners were that acted under an Act of Assembly passed at Hillsborough, in June one thousand seven hundred and eighty-four, entitled, "An Act for the relief of the officers and soldiers of the continental line and other purposes."

II. And be it further Enacted, That the said commissioners shall take the following oath before they enter upon the duties of their office, that is to say, "I, A. B. commissioner for liquidating the accounts of the officers and soldiers of the continental line, do swear, that I will faithfully and to the best of my knowledge, discharge the trust reposed in me."

III. And be it further Enacted, That the said commissioners when they have settled the remaining claims of the officers and soldiers of the continental line, for services performed prior to January one thousand seven hundred and eighty-two, shall issue to the respective claimants two indented certificates, one of which shall be a certificate for the fourth part of the sum that appears to be due to him, and shall be declared by its tenor to entitle the party or his assignee to prompt payment; the other shall be a certificate for three-fourths of the sum due to the claimant and shall be in the common form.

IV. And be it further Enacted, That the commissioners aforesaid shall set as a board the first ten days in April, May and June next, and no longer; and that all accounts that are not exhibited within that time shall forever hereafter be of no effect; and the said commissioners are hereby required

and directed to advertise the time and place aforesaid in each of the districts within this State, as soon as may be after the passing of this Act.

V. Be it further Enacted by the authority aforesaid, That the commissioners appointed by this Act, shall be empowered to liquidate the claims of all continental soldiers raised for the term of twelve months, in full, and issue certificates in the same manner as for officers and soldiers who served to the end of the war.

VI. And be it Enacted by the authority aforesaid, That the late district auditors respectively are hereby empowered to meet at or near their district court house, at any time after the first day of April next, to receive and settle all such claims not heretofore allowed, as the late district auditors were by law empowered to settle, and to give certificates for such sums as they may allow.

VII. Provided nevertheless, and be it further Enacted by the authority aforesaid, That David Vance, Edward Hunter and Russel Jones, be and are hereby appointed auditors in the room and stead of those heretofore appointed for the district of Morgan; and that the said David Vance, Edward Hunter and Russel Jones, shall take the oath heretofore prescribed for district auditors previous to their settling claims.

VIII. And be it further Enacted by the authority aforesaid, That the said auditors and their clerks, shall be entitled to the same pay as the late auditors, provided their time of service shall not exceed ten days in any one district.

IX. And be it further Enacted by the authority aforesaid, That the public treasurer shall be and is hereby authorised to discharge and pay off all such certificates as shall be issued by the commissioners aforesaid for prompt payment, as well as those that hitherto have been issued, commonly called due bills, for which service he shall receive a commission of one half per centum and no more.

X. And be it further Enacted, That the said commissioners shall lodge their check-book in the hands of the treasurer, as soon as the time shall have elapsed in which they are allowed to settle accounts. (Passed December 27, 1785.)

CHAPTER XIV.

An Act for the Relief of the Officers, Soldiers and Seamen, Who Have Been Disabled in the Service of the United States During the Late War.

Whereas it hath been recommended by the United States in Congress assembled, that uniform provision be made in the several States for officers, soldiers and seamen who have been disabled in the service of the United States,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a compleat list shall be made out by the comptroller of this State, of all the officers, soldiers or seamen resident in this State, who have served in the army or navy of the United States, or in the militia in the service of the United States, and have been disabled in such service so as to be incapable of military duty, or of obtaining a livelihood by labour. In this list shall be expressed the former pay, the age and disability of each invalid; also the regiment, corps or ship to which he belonged; and a copy of the same shall be transmitted to the office of the secretary at war, within one year after the sitting of this present Assembly, and a like list of the invalids resident in this State

shall, from year to year, be transmitted to the office of the secretary at war.

II. Be it further Enacted, That no officer, soldier or seaman shall be considered as an invalid, or entitled to pay unless he can produce a certificate from the commanding officer or surgeon of the regiment, ship, corps or company in which he served, or from a physician or surgeon of a military hospital, or other good and sufficient testimony, setting forth his disability, and that he was thus disabled while in the service of the United States.

III. And be it further Enacted by the authority aforesaid, That all the commissioned officers of the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military duty, or of obtaining a livelihood, be allowed a yearly pension, which shall correspond with the degree of their disability, compared with that of an officer wholly disabled: That all non-commissioned officers and privates within the aforesaid description, disabled in the service of the United States, so as to be wholly incapable of military or garrison duty, or of obtaining a livelihood by labour, be allowed a sum not exceeding five dollars per month; and all non-commissioned officers and privates as aforesaid, who shall not have been disabled in so great a degree, be allowed sucn sum as shall correspond with the degree of their disability, compared with that of a non-commissioned officer or private wholly disabled. Provided always, That no officer who has accepted his commutation for half pay shall be entered on the list of invalids, unless he shall have first returned his commutation.

IV. And be it further Enacted, That William M'Clure, Joseph Leech and Andrew Blanchard in the district of New Bern; Samuel Dickerson, Joseph Blount and Lott Bruster in the district of Edenton; James Gickie, John Fergus and James Read in the district of Wilmington; Goodarum Davis, Nicholas Long and Charles Pasteur in the district of Halifax; William Courtenay, John Taylor and John Estis in the district of Hillsborough; Anthony Newman, Edmund Yarborough and Lewis Beard, Jun. in the district of Salisbury; Joseph Dobson, David Vane and Charles M'Dowall in the district of Morgan; Lardner Clark, Eusibius Bushnal and T. Molloy in the district of Washington, be and they are hereby appointed commissioners for examining into the claims of all officers, soldiers and seamen, resident in their respective districts, who have served in the army or navy of the United States, or in the militia in the service of the said United States, and have been disabled in said service so as to be incapable of military duty, or of obtaining a livelihood by labour; and to report whether the person producing a certificate as before required, setting forth that he is an invalid, be such in fact; and if such, to what pay he is entitled; whereupon the commissioners aforesaid shall give to the invalid a certificate, specifying to what pay he is entitled, and shall transmit a copy of each certificate to the comptroller aforesaid, whose duty it shall be to receive and record the same; and the commissioners in each certificate shall express the age and disability of the invalid, also the regiment, corps or ship to which he belonged; and the said commissioners, before entering on the duties of their appointment shall take an oath before some justice of the peace for the faithful discharge of the same.

V. And be it further Enacted by the authority aforesaid, That every invalid shall annually apply himself to some magistrate of the county in which he resides, and take the following oath, viz.: "A. B. came before me, one of the justices for the county of ——— in the State of North Carolina, and made oath that he was examined by the commissioners for the district of ——— appointed by the State for that purpose, and obtained a certifi-

cate, setting forth that he served in ———— that he was disabled by ———— and that he now lives in the county of ————."

VI. And be it further Enacted, That a copy of each affidavit, drawn according to the above form, and dated, and attested by a magistrate, be sent by the said magistrate to the comptroller aforesaid, and that a counter part of the same be given to the person taking it to be exhibited to the treasurer of the State.

VII. And be it further Enacted, That the comptroller shall annually transmit to the treasurer an account of all the persons whom he has registered as invalids according to this Act, and who have been certified to him to be living within the State on that year, and the sums to which they are respectively entitled, and the treasurer is hereby authorised and required to discharge their annual pensions accordingly. (Passed December 29, 1785.)

CHAPTER XV.

An Act for Recovering Part of the Artillery Belonging to This State.

Whereas it is represented that a considerable number of heavy cannon belonging to this State, were thrown into a river near Edenton during the late war lest they should fall into the hands of the enemy, and that it is probable the same may be recovered:

I. Be it Enacted by the General Assembly of the State of North Carolina, That Joseph Blount, Josiah Collins and William Bennett, be and they are hereby appointed commissioners for recovering the aforesaid cannon; and they are authorised to contract with any person or persons for raising the whole of the said cannon, or so many of them as shall be found, and depositing the same in a safe and proper place; for which service they may allow a reasonable sum, not exceeding twelve pounds for raising and securing each piece of cannon.

II. And be it Enacted by the authority aforesaid, That as soon as the cannon are raised and secured, and the commissioners shall have reported the same to his Excellency the Governor, he shall give them a draught on the collector for the port of Roanoak, for the amount of the services performed according to contract, which draught shall be allowed the collector in the settlement of his account. (Passed December 29, 1785.)

CHAPTER XVI.

An Act Empowering the Commissioners Appointed to Settle the Accounts Between the United States and the State of North Carolina, or the Creditors of the United States within the Said State, to Call Witnesses and Examine Them upon Oath or Affirmation Touching Such Accounts.

Whereas it hath been recommended by the Congress of the United States to the several legislatures of the respective States, to empower by law their commissioner for settling accounts, to call witnesses and examine them upon oath or affirmation touching all accounts and claims against the United States: And whereas James Hindman, Esquire, hath been appointed commissioner from Congress to the State of North Carolina for the purposes aforesaid:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from

and after the passing of this Act, the said James Hindman, Esquire, or his successor in office, shall have full power to call before him, by summons under his hand and seal directed to any sheriff, coroner or constable, any person or persons whose testimony may be deemed necessary on the admission or establishment of such claims as may be exhibited before him, and to examine them upon oath or affirmation, which oath or affirmation the said commissioner is hereby authorised to administer. Provided nevertheless, where the person or persons whose testimony may be required, live distant from the resident of the said commissioner, then it shall and may be lawful for the said commissioner to exhibit in writing such interrogatories as may be necessary, which interrogatories may be answered to upon oath before the commissioner for taking affidavits in causes in law and equity for the county wherein such person or persons as aforesaid dwell.

II. And be it further Encated by the authority aforesaid, That if any person or persons summoned by the said commissioner, shall fail to appear or answer as aforesaid as the case may be, the party aggrieved by reason of such default shall be entitled to his recovery at law, by action on the case, for such damages as it may appear has been suffered by such default.

III. And be it further Enacted by the authority aforesaid, That if any person or persons shall before the said commissioner swear or affirm falsely, and be thereof lawfully convicted, he, she or they shall suffer as in cases of wilful and corrupt perjury. (Passed December 29, 1785.)

CHAPTER XVII.

An Act to Amend an Act for Making Provision for the Poor.

Whereas it appears to this General Assembly that in some counties within this State the sheriffs have neglected to hold elections for the county wardens, whereby many of the poor people of this State who are proper objects of charity, are suffering for want of necessary supplies for their support.

I. Be it therefore Enacted by the General Assembly, and it is hereby Enacted by the authority thereof, That in all such counties as have not elected wardens according to law, the sheriff shall within two months after the passing of this Act, summons the inhabitants to elect and chuse seven good and sufficient freeholders, to act as wardens of the poor; and such wardens so elected, shall within twenty days meet at the court house and qualify, after which they shall be under the same rules, regulations and restrictions as those who have heretofore qualified according to law. (Passed December 29, 1785.)

CHAPTER XVIII.

An Act to Empower the County Wardens of the Poor for the Counties Therein Mentioned, to Build Houses in their Respective Counties for the Reception of the Poor and Other Purposes.

Whereas the poor should always be an object of legislative attention:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a tax, not exceeding the sum of two shillings, shall be laid on every taxable person; and also a tax, not exceeding eight pence, on every hundred acres of land; and a sum not exceeding two shillings, on every hundred pounds value of town lots in the counties of Northampton, Nash, Hallifax,

Chowan, Carteret, Wayne and Onslow; where the wardens shall judge it expedient for discharging arrears due, and for the support of their poor: which tax shall be collected by the same persons appointed to collect the public taxes, and to be accounted for under the same restrictions as other public taxes are; which said taxes when collected, shall be paid into the hands of the county wardens, to be applied to the discharge of arrears due from their respective counties; and also to purchase such quantity or quantities of land, as shall be expedient to erect a house or houses thereon, for the purpose of receiving into and maintaining the poor of their said counties; and all such land and houses when purchased and built shall be and remain for the use of the counties aforesaid under the direction of the wardens of the poor for the said counties, and to their successors for ever.

II. And be it further Encated by the authority aforesaid, That persons being either distracted or otherwise deprived of their senses, so that the wardens shall judge them incapable of self preservation, shall be under the care of said wardens, who are empowered to keep them confined in such houses so long as they may judge necessary. (Passed December 29, 1785.)

CHAPTER XIX.

An Act to Empower the Wardens of the Poor to Call to Account all Former Sheriffs, Clerks of County Courts, and Other Persons Who Have Not Accounted for Taxes and Fines by Them Received, Which Are Appropriated to, or Intended for the Support of the Poor in the Several Counties Within This State.

Whereas in many of the counties within this State there are arrears yet due from the Sheriffs, clerks of county courts, and other persons who collected the parish taxes under the former government, and received fines which were intended for the support of the poor, and have not accounted for the same with the wardens of the poor in their respective counties:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the ratification of this Act, the wardens of the poor in each respective county within this State are hereby authorized and required at their first meeting, or any other time after the passing of this Act, to cite each person being in arrears as aforesaid, or his or their securities, executors or administrators, to appear on a certain day at the place where the said wardens usually meet for the transacting the business enjoined them by their office; which citation shall be executed at least ten days before the said meeting.

II. And be it further Enacted by the authority aforesaid, That if any person or persons as before mentioned, shall after being thus cited refuse or neglect to appear agreeable to such citation, and settle his or their accounts, and pay into the hands of the county wardens, all such monies as shall by any means appear to be due for the purpose before mentioned; then and in such case the county wardens of the county wherein such delinquent debtor or debtors reside, are hereby required to commence a suit or suits against such debtor or debtors, his or their securities, and executors or administrators for the same, before any jurisdiction having cognizance thereof, to be recovered with costs in the same manner by which other debts are recoverable. (Passed December 29, 1785.)

CHAPTER XX.

An Act for the Better Regulation of the Town of Tarborough.

Whereas the laws now in force for the regulation of the town of Tarborough are found to be insufficient.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Robert Bignal, Edward Hall, Henry Irwin Tool, Thomas Blount, John Haywood, Thomas Gilchrist and Michael Hearn, Esquires, be and they are hereby appointed commissioners for the town of Tarborough with full power and authority to open and keep the streets thereof in good order and repair; to which end they are hereby authorised and empowered to appoint an overseer or overseers of the same, with authority to summon the inhabitants of the said town to work thereon; and in case of the refusal or neglect of any inhabitant so summoned to appear and work upon the streets accordingly, or to procure a sufficient substitute in his stead to perform such work, every inhabitant so refusing or neglecting shall forfeit and pay the sum of eight shillings for each and every refusal or neglect, to be recovered by warrant under the hands and seals of any two of the said commissioners, on complaint made by the overseer and applied as is herein after directed. Provided, That excuses of inability arising from bodily infirmity, when tendered on oath, shall be admitted. And provided also, That no inhabitant of the said town shall be compelled to work on the streets thereof more than twelve days in any one year.

II. And be it further Enacted by the authority aforesaid, That the said commissioners and their successors in office, shall and they are hereby declared to be a body politic and corporate, by the name and designation of the commissioners of the town of Tarborough; and that they may sue and be sued, implead and be impleaded as such, and shall have full power to make and issue orders, not inconsistent with the constitution, for carrying the purposes of this Act into effect; and to appoint a treasurer, surveyor or surveyors, and such other officers as shall appear to them necessary for the better regulation and government of the said town, ascertaining the salaries, fees and perquisites of such officers.

And whereas from the many encroachments made on the streets of said town by erecting piazzas, porches and other buildings, and enclosures thereon, the inhabitants are incommoded:

III. Be it therefore further Enacted, That the commissioners thereof be and they are hereby empowered and required to impose a ground rent, not exceeding twenty shillings, to be paid annually for each piazza, porch or other encroachment on the streets of what kind or nature soever, of six feet in width adjoining to or being before any one house or tenement; on each piazza, porch or other encroachment of less than six feet in width, a sum not exceeding fifteen shillings; and on all piazzas, porches and other encroachments of a greater width than six feet, a rent of eight shillings on each foot over and above six, shall be imposed exclusive of the ground rent aforesaid, to be collected and applied as herein after directed.

IV. And be it further Enacted by the authority aforesaid, That all free males of twenty-one years old and upwards, who shall have usually resided in the said town for the space of one month previous to the first day of January annually, and all others the proprietors of any lot or lots in said town, orphans excepted, shall be considered as being liable to pay taxes; and shall be taxed accordingly, as well for the year one thousand seven hundred and eighty-six, as for each succeeding year, at the discretion of

the commissioners in any sum not exceeding eight shillings per poll; and in order that a just and accurate list of all persons and property by this Act liable to be assessed, may be obtained:

V. Be it further Enacted by the authority aforesaid, That the court of Edgcombe county on application of the commissioners, shall annually appoint some justice of the peace for the county aforesaid, who shall between the first and last days of March then next ensuing, receive from the inhabitants of the said town, and others by this Act liable to be taxed, true and accurate lists on oath, of all the polls and property to them belonging, which by this Act are made liable to taxation, and shall make return of such lists under his hand and seal to the commissioners at their first meeting which shall happen after the said last day of March annually, and each and every person failing to give in on oath lists as aforesaid, shall be assessed in double the amount of the tax for which he or she would otherwise have been liable. For the due collection of which taxes, together with aforementioned ground-rent:

VI. Be it Enacted, That the commissioners shall appoint some person, properly qualified, collector, allowing him such commissions as to them shall seem adequate and just. And it is hereby further declared, That all persons inhabitants of the said town, who by this Act are made subject to taxation, shall likewise be considered as being liable to work on the streets. Provided, That any owner of slaves who shall in virtue of this Act be compelled to furnish two or more able bodied hands to work on the said streets at the times for that purpose appointed, shall as to himself be excused from personal labour.

VII. And be it further Enacted by the authority aforesaid, That each and every male inhabitant of the said town, as well servants and slaves as free men, shall henceforth be considered as exempt from working on the public roads, during the time they shall continue innabitants as aforesaid, but shall work on the streets of the said town only.

VIII. Be it further Enacted, That all taxes and rents which shall become due by virtue of this Act, shall be collected and accounted for annually on or before the first day of August in each year; and in case of the failure or refusal of any person to pay the same, the collector shall and he is hereby directed to sell at public vendue, so much of the personal property of such person so failing or refusing, as will be sufficient to discharge the sum for which by this Act he or she shall have become liable, governing himself by the rules by law prescribed for collectors of public taxes.

IX. And be it further Enacted, That each and every person, minors excepted, holding any unimproved lot or lots in the said town, shall for every such lot, be liable to a tax of ten shillings annually, and shall be assessed accordingly, and the monies arising from such assessment collected in manner aforesaid. Provided nevertheless, That it is hereby expressly declared that dwelling houses of every kind, and enclosures either by rails, pailing or plank, provided they extend the length and breadth of the lot, shall be deemed improvements under this Act.

X. And be it further Enacted, That any person except as before excepted, owning an improved lot or lots in the said town, who shall fail for the space of twelve months to pay the tax for which by this Act he may be liable, the commissioners shall and they are hereby directed to sell the same at public vendue, to the highest bidder for ready money, first advertising such lot for the space of three months at least in the North Carolina Gazette: and after deducting the tax and other expences which may have accrued

in consequence of such advertisement and sale shall pay the balance on application of the person entitled to receive the same.

XI. And be it further Enacted, That the said commissioners shall and they are hereby required and directed forthwith to call to account, all persons for any monies which may be supposed to be in their hands belonging to the said town, and in case of failure or refusal by such persons to pay the same to issue warrants, or bring suits for all such sums as may appear to be due, and that all such monies shall be recovered and paid agreeable to the scale of depreciation by law established.

XII. And be it further Enacted, That the commissioners shall apply all monies collected in virtue of this Act, in repairing the streets, making good the public landing, and in such other useful works, as a majority of them shall think most conducive to the grandeur and emolument of said town; and shall each of them respectively before entering on the duties of his appointment take before some justice of the peace the following oath, and obtain a certificate thereof, to wit, "I, A. B. do swear, that as commissioner for the town of Tarborough, I will endeavour to execute the several duties enjoined me by the Act of Assembly in that case made and provided, without favour, affection or partiality, to the best of my skill and abilities. So help me God."

XIII. And be it further Enacted by the authority aforesaid, That the first meeting of the commissioners shall be held on the first Monday in May next, when they may appoint a chairman and adjourn, and meet at such times as they shall think proper; and that in all acts of the said commissioners, a majority of them shall constitute a quorum, nor shall they do business with a less number; and that in case of death, refusal to act or removal out of the county of Edgcombe, of any of the commissioners by this Act appointed, the inhabitants of the said town shall, within one month after such vacancy, assemble (ten days previous notice being first given by the chairman of the commissioners, in writing affixed to the court house in said town) and elect some other person being an inhabitant of the county of Edgcombe, commissioner in the place of him so dying, removing or refusing to act; which person after being so elected and qualified as by this Act directed, shall be vested with the same powers and authorities as if he had been expressly named herein.

XIV. And be it further Enacted, That if the commissioners shall find any lot or lots in the said town, not already conveyed, they shall after having advertised such lot or lots for the space of three months in the North Carolina Gazette, publicly sell the same for the most that may be had, and grant a deed or deeds for such lots, subject nevertheless to the like regulations as the other lots of the said town.

XV. And be it further Enacted by the authority aforesaid, That all fines and forfeitures which may be incurred by virtue of this Act, shall be paid into the treasury of the said town, and applied as the common stock thereof.

XVI. Be it further Enacted by the authority aforesaid, That all and every Act, and parts of Acts, for regulating the town of Tarborough, coming within the purview of this Act, be and the same are hereby repealed and made void. (Passed Dec. 29, 1785.)

CHAPTER XXI.

An Act for the More Speedy Determining Disputes That Have Arisen, or Hereafter May arise in the Counties of Rowan, Mecklenburg, Rutherford, Guilford, Lincoln and Rockingham, From Erecting Mill Dams, and to Prevent Persons from Building Mills, as Herein Described.

Whereas many disputes have heretofore arisen, or hereafter may arise from erecting mill dams, and overflowing the lands belonging to persons proprietors of lands on the water course above the said mill dams: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted, That from and after the passing of this Act, where any dispute may arise or have heretofore arisen in any of the counties aforesaid, between the builder of any mill or mills and the owner of land above the said mill as aforesaid, it shall and may be lawful for the county court where such dispute may arise, on application of either party, to order the sheriff of said county to summon a jury of good and lawful men, who shall appear at the place where such lands are overflowed, and ascertain the full value of what said land was worth had it not been overflowed, and all damages to the owner, the party making application to the court as aforesaid giving the other party ten days previous notice thereof before the sitting of such court.

II. And be it further Enacted by the authority aforesaid, That the value of said land shall be paid by the owner of such mill at the succeeding court, after such trial, or as soon as the verdict of such jury shall be confirmed by the said court, and on the failure thereof execution shall issue for the sum ascertained by the jury as aforesaid, and the costs thereon.

III. And be it further Enacted by the authority aforesaid, That upon payment of the value of such land by the verdict of a jury as aforesaid, the person owning said land shall, and he is hereby required to execute a deed in fee simple for such land to the owner of said mill, and on failure thereof the owner of said mill shall stand discharged from any action or actions, suit or suits, either in law or equity, and shall also stand discharged from any indictment on account of such land, overflowed as aforesaid; and in case any action or actions, suit or suits, or indictments shall be commenced or prosecuted against the owner of said mill as aforesaid, it shall and may be lawful for the defendant to plead the payment as aforesaid, and judgment shall be against the plaintiff for costs.

IV. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, it shall not be lawful for any person or persons in any of the counties aforesaid, to build or erect any water grist-mill within two miles above or below any mill that is or hereafter may be erected for the purpose of manufacturing flour for merchandize. Provided, That such is furnished with good bolting cloths and every other requisite for manufacturing good merchantable flour as aforesaid: Any person in the said counties who shall hereafter build any mill or mills contrary to this Act, shall forfeit and pay the sum of one hundred pounds, to be recovered by action of debt, in any court of record having cognizance thereof, by the party aggrieved. (Passed December 29, 1785.)

CHAPTER XXII.

An Act for the Relief of the Widows or Children of Officers Who Have Died in the Service of the United States.

Whereas it was resolved by the United States in Congress Assembled, on the twenty-fourth of August one thousand seven hundred and eighty, "That "the resolution of the fifteenth day of May one thousand seven hundred and "seventy-eight, granting half-pay for seven years to the officers of the army "who should continue in service to the end of the war, be extended to the "widows of those officers who have died or shall hereafter die in the service, "to commence from the time of such officer's death and continue for the term "of seven years or if there be no widow, or in case of her death or intermar- "riage, the said half pay be given to the orphan children of the officers dying "as aforesaid if he shall have left any; and that it be recommended to the "legislatures of the respective States to which such officers belong, to make "provision for paying the same on the account of the United States:" And whereas justice and humanity require that the utmost attention be paid to the families of those patriots who have died in the service and defence of their country:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the widows, or where there are no widows, the children of such continental officers belonging to the line of this State as have died while they were in the service of the United States, shall be, and they are hereby declared to be entitled to receive from the treasury of this State, per account of the United States, annually and every year, for the term of seven years, a sum equal to the half of the pay to which such officers respectively were entitled at the time of their death.

II. And be it further Enacted, That the Governor of the State for the time being, shall on the first day of January every year for the term of seven years, beginning on the first day of January one thousand seven hundred and eighty-six, issue a draught on the treasury in favour of the widows of the several continental officers belonging to the line of this State, who died in the service of the United States, or in case there is no widow, to the children or the guardian or legal representative of the children of such officers respectively, for a sum of money equal to half of the pay to which such officers were entitled by the year, according to the commission they held in the army at the time of their death. Provided nevertheless, That no draught shall issue in favour of any widow or child of any deceased officer, until a certificate is produced, duly attested before some justice of the peace, that such person is living and is the widow or child of the officer under whom they claim.

III. And be it further Enacted, That no person who is entitled to the benefits of this Act, nor of another Act passed at the present session of the General Assembly, entitled "An Act for the relief of wounded and disabled officers, soldiers and seamen," &c. shall have any claims on the State under a former Act, entitled "An Act for the relief of such persons as have been disabled by wounds, or rendered incapable of procuring for themselves and families subsistence, in the militia service of this State, and providing for the widows and orphans of such as have died," or of an Act to amend said Act. (Passed December 29, 1785.)

CHAPTER XXIII.

An Act for the Dividing the County of Guilford.

Whereas the extent of the county of Gilford and different water-courses in the same, render it inconvenient and troublesome to many of the inhabitants thereof, to attend the courts and general elections, and other public meetings appointed therein:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said county of Guilford be divided by an east and west line, beginning at Haw river bridge, near James Martins; and that all that part of the late county of Guilford, which lies to the south of said line, shall continue and remain a distinct county by the name of Guilford; and all that other part of the said county of Guilford, which lies north of the said dividing line, shall thenceforth be erected into a new and distinct county by the name of Rockingham.

II. And for due administration of justice: Be it Enacted by the authorits aforesaid, That a court for the said county of Rockingham shall be held constantly by the justices thereof on the fourth Mondays of February, May, August and November; and the justices for the said county of Rockingham are hereby authorised and empowered to hold the first court in the same at the house of Adam Tate; all subsequent courts for said county on the days above appointed for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house shall be built for said county of Rockingham, and then all causes, matters and things depending in said court, and all manner of process returnable to the same shall be adjourned to such court house; and all courts held in and for said county of Rockingham, shall be held by commission to the justices, in the same manner and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction as are or shall be prescribed for other courts held for the several counties in this State.

III. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be construed to debar the late sheriff and collectors of the said county of Guilford as the same stood undivided, to make distress for any levies, fees or other dues now actually due and owing from the inhabitants of the said county as it formerly stood undivided, in the same manner as by law the said sheriff or collectors could or might have done, if the said county had remained undivided; and the said levies, fees and other dues shall be collected and accounted for in the same manner as if this Act had never been made, any thing to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That after the passing of this Act the said couny of Rockingham, shall be continued and remain part of the district of the superior court of law and equity, usually held for the district of Salisbury; and the said county treasurer of the said county of Rockingham, shall from time to time account for and pay to the public treasurer of this State for the time being, all public levies by him collected, or wherewith he shall stand chargeable, in the same manner and under the like pains and penalties as other county treasurers.

V. And be it further Enacted by the authority aforesaid, That William Dent, John Hamilton, Charles Bruice, Samuel Henderson, Joshua Smith and Abraham Philips, be appointed commissioners; and they are hereby empowered and required to run the said dividing line between the counties of Guilford and Rockingham agreeable to the directions of this Act; which

said line when run by the commissioners or a majority of them, shall be by them entered on record in the court of each of the said counties, and shall thereafter be deemed and taken to be the dividing line betwen the said counties of Guilford and Rockingham.

VI. And be it further Enacted by the authority aforesaid, That James Hunter, John Dabney, Thomas Henderson, John May and Hugh Challis, Esquires, the survivor or survivors of them, be and they are hereby empowered and directed to agree and contract with workmen for erecting and building a court house, prison and stocks, for use of said county of Rockingham, at such place as they, or a majority of them or their survivors, shall agree upon. And for reimbursing the said commissioners the money they shall expend in erecting the said buildings, and running the dividing line between the said counties:

VII. Be it further Enacted by the authority aforesaid, That a tax of two shillings on each poll, and a tax of eight pence on every hundred acres of land, shall be and is hereby assessed on the taxable property in the said county of Rockingham, for two years to commence from the passing of this Act; and that all persons who shall refuse or neglect to pay said tax, at the time limited for payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; and the collectors of the said county are hereby required and directed to account for and pay the monies by them so collected, to the commissioners aforesaid, after deducting two and an half per cent. for the trouble in collecting the same; and in case of failure or neglect in any of the said collectors, such collector so failing or neglecting shall be liable to the same penalties and recoveries as by law may be had against collectors of public taxes in like cases.

VIII. And be it further Enacted by the authority aforesaid, That all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the county court of Guilford, shall continue and may be prosecuted to a final end and determination, any thing in this Act to the contrary notwithstanding.

IX. And be it further Enacted by the authority aforesaid, That the court of the said county of Rockingham, shall appoint three jurors to attend at every superior court that shall be held for the said district. (Passed December 29, 1785.)

CHAPTER XXIV.

An Act to Prevent Persons from Stopping or Obstructing Ways Leading to Houses of Public Worship.

Whereas it may happen that persons may be possessed of lands in such manner as to enable them to stop and obstruct the usual ways leading to houses of religious public worship.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That any person who shall under pretence of owning the land or lands adjoining or surrounding any church, meeting-house, or other house or houses of religious public worship, stop or obstruct, or cause the same to be done, the usual way or ways leading to or from any of the aforesaid places of public worship, or springs or wells thereby used, shall forfeit and pay the sum of five pounds for every such offence, to be recovered by an action of debt in any court of record in this State; one half to go to the person suing for the same, the other half to be applied to the maintenance of the poor of such county, any law or custom to the contrary notwithstanding. Provided always, That nothing herein shall subject any person to the penalty afore-

said, who shall surround any spring or well with a fence, if such fence shall not absolutely render a passage to such spring or well impracticable. And provided also, That no surrounding any piece of land, through which any of the aforesaid ways shall lead, with a fence, shall subject any person to the said penalty, if a passage shall be left to the church, meeting-house or place of religious public worship of the same width at least that such way was usually of. And provided also, That this Act shall not be in force until the first day of April next. (Passed December 29, 1785.)

CHAPTER XXV.

An Act to Amend an Act to Empower the County Courts of Pleas and Quarter Sessions of the Several Counties in This State, to Order the Laying Out Public Roads, and to Establish and settle Ferries, and to Appoint Where Bridges Shall Be Built, and to Clear Inland Rivers and Creeks.

I. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That the justices of the county courts where any inland river or stream of water, is or shall be the line of the county whereof they are justices, shall have all the powers and authority given by the said Act, the title whereof is above recited, for the purposes therein mentioned; to the justices of the county court of any county through which an inland river or stream doth run.

II. And be it further Enacted by the authority aforesaid, That the justices of each of the said courts respectively, where any such inland river or stream should run through the county, or be a line of the county whereof they are justices, shall have full powers and authority, where the same shall appear necessary and expedient to them, to direct the commissioners by them appointed in virtue of this Act, and the said Act the title whereof is above recited, to purchase or hire a flat, with a windlass and the appurtenances necessary to remove loose rocks and other things which may by such means be more easily removed, and allow the same flat, windlass and appurtenances to be paid for out of the county tax. Provided nevertheless, That nothing in this Act contained shall affect private property. (Passed December 29, 1785.)

CHAPTER XXVI.

An Act for Securing Literary Property.

Whereas nothing is more strictly man's own than the fruit of his study, and it is proper that men should be encouraged to pursue useful knowledge by the hope of reward; and as the security of literary property must greatly tend to encourage genius, to promote useful discoveries and to the general extension of arts and commerce:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the author of any book, map or chart, not hitherto printed, who is a citizen of the United States, and his heirs or assigns, shall have the sole liberty of printing, publishing and vending the same within this State for the term of fourteen years, to commence on the day of its publication: and if any person or persons within the said term of fourteen years, shall presume to print, reprint or publish any such book, map or chart within this State, or shall import any copy or copies of the same, which have been reprinted beyond the limits of

the State, and shall knowingly publish, distribute or vend the same without the consent of the author or proprietor in writing, signed in the presence of two credible witnesses, such offender or offenders shall forfeit to the proprietor all the books, maps or charts thus printed, reprinted, imported, published or offered for sale, together with double the value of the articles so imported: One moiety of which money shall go to the State, the other moiety to him who shall sue for the same, for the benefit of the party injured, in any court of record within this State. Provided nevertheless, That no author or proprietor of any such new book, map, or chart, shall be entitled to the benefit of this Act, unless he shall before publication duly enter his name as author or proprietor, together with the title of the book, map or chart to be published, in the office of the secretary of the State, who is hereby directed to enter the same on record; nor unless he shall before publication have delivered to the secretary of the State one copy of such book, map or chart, for the use of the executive of the State; of which entry and for which copy the secretary is hereby required to give him a certificate and receipt.

II. And be it further Enacted, If the author or publisher of any book as aforesaid shall set an unreasonable price on the same, regard being had to the probable labour, expence and risque of such author or publisher, the judges of the supreme court, on complaint thereof made in writing by two or more persons, are hereby authorised and empowered to summons such author or publisher to appear before the next supreme court, to be nolden in that county or district where such author or publisher usually resides; and said court shall enquire into the justice of the complaint, and if the same on full examination shall appear to be well founded, they shall correct or settle the price; and if said author or publisher after such price is fixed by the court, shall sell any book at a higher rate, he shall for every offence forfeit twenty Spanish milled dollars; one moiety to the State and the other moiety to the person who shall sue for the same.

III. And be it further Enacted, That every author who is a citizen in any of the United States and whose work shall originally be published in any of the United States, where laws similar to this are or may be passed for the security of literary property or his assigns, being also citizens of the United States, shall be entitled to the benefit of this Act and none others. Provided always, That nothing contained in this Act, shall be construed to prevent any person from reprinting any book, map or chart that has been published; or from importing, reprinting or publishing any book, map or chart that shall be originally published in any other country; nor shall any thing in this Act be construed to encourage or protect any authors or publishers of books, maps or charts, which may be dangerous to civil liberty, or to the peace or morals of society. (Passed December 29, 1785.)

CHAPTER XXVII.

An Act for Ascertaining the Duties and Salary of the Public Printer.

Whereas general complaints have been made of the want of dispatch or punctuality in printing or distributing the laws of this State: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall be the duty of the printer for this State, who shall be chosen by the joint ballot of the two Houses of Assembly, to print the laws and journals of the

General Assembly, the Governor's proclamations, such accounts of the executive officers as the General Assembly may order to be printed for public information, and such public bills as they may order to be printed for consideration, and to print the titles of such laws as shall pass during each session, one copy for each member, and the certificates for the attendance of the members.

II. And be it further Enacted, That one thousand one hundred and six copies of the laws shall be printed on a good type, one hundred and sixty-two copies of the journals of each House of Assembly, and one hundred and sixty-two copies of the several proclamations, accounts or bills ordered to be published; and that the whole of the laws and journals be printed on paper of the same size.

III. And be it further Enacted, That the public printer shall with all convenient dispatch, cause the laws and journals to be delivered at the office of the clerk of the Supreme Court in the districts of Edenton, New Bern, Wilmington, Halifax, Hillsborough, Salisbury and Morgan, in the following manner, viz.: He shall deliver at Edenton, for the several counties in that district, one hundred and seventy-six copies of the laws and twenty-eight copies of the journals; at New Bern, for the counties in that district, one hundred and eighty copies of the laws and twenty-eight copies of the journals; at Halifax, for the several counties in that district, one hundred and thirty copies of the laws and twenty-two copies of the journals; at Wilmington, for the counties in that district, one hundred and sixty copies of the laws and twenty-five copies of the journals; at Hillsborough, for the counties in that district, one hundred and fifty copies of the laws and nineteen copies of the journals; at Salisbury, for the counties in that district, one hundred and eighty copies of the laws and twenty-five copies of the journals; and he shall deliver to the clerk of the district court for the district of Morgan, one hundred and thirty copies of the laws and fifteen copies of the journals, for the several counties in that district and in the district of Washington.

IV. And be it further Enacted, That the public printer shall be allowed the sum of five hundred pounds by the year, in full for performing the public printing, including the price of paper and the whole of his trouble and expence in distributing the Acts and journals as before directed: one-half of which sum shall be advanced at the first session of the several General Assemblies, the other half as soon as he shall have produced to his Excellency the Governor for the time being, receipts from the several district clerks referred to, that he has furnished them respectively with a proper number of the laws and journals.

V. And be it further Enacted, That the public printer shall give a bond with sufficient security to the Governor for the time being, conditioned for payment of double the sum that may be advanced him if he does not well and truly perform the duties of his office. (Passed December 29, 1785.)

CHAPTER XXVIII.

An Act for Destroying Wolves, Wildcats, Panthers, Bears, Crows and Squirrels in the Several Counties Therein Mentioned.

Whereas the great increase of wolves, wildcats, panthers, bears, crows and squirrels, in the counties herein after mentioned, is found to be injurious and prejudicial to the inhabitants thereof:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the

several county courts of Carteret, Rutherford, New Hanover, Brunswick, Bladen, Rowan, Tyrrel, Rockingham, Wilkes, Hyde, Moore, Caswell, Onslow, Duplin, Sampson, Burke, Wake, Lincoln, Randolph, Mecklenburg, Surry and Davidson, in this State, are hereby authorised and respectively impowered, when they may judge the same necessary after the year one thousand seven hundred and eighty-five, to lay a tax on the inhabitants and taxable property of their said counties, to be collected by the public collectors and accounted for as the county tax, for the purpose of granting bounties to persons who shall kill or otherwise destroy any wolves, bears, panthers or wildcats in such counties, in such manner and in such proportion as by order of court shall be directed. Provided the bounty to be given for killing each wolf shall not exceed twenty shillings, and for killing each wildcat shall not exceed three shillings. Provided such tax shall not exceed one shilling on each poll, and four pence on every hundred acres of land in one year.

II. And be it further Enacted by the authority aforesaid, That the several county courts before mentioned, shall have full power to apply the monies arising from said tax, for the purpose before mentioned, as they by order may direct; and the surplus if any, shall be applied towards defraying the contingent charges of said county.

III. And be it further Enacted by the authority aforesaid, That every master or mistress of a family, and overseer of a plantation when the master or mistress of a family does not reside in the same county, in the counties of Montgomery, Burke, Warren, Franklin, Wake, Jones, Dobbs, New Hanover, Wilkes, Granville, Onslow, Caswell, Lincoln, Rutherford, Duplin, Sampson, Brunswick, Rowan, Mecklenberg, Tyrrel, Bladen, Richmond and Surry, shall kill or cause to be killed in every year, seven crows or squirrels, for each taxable he or she shall inlist, under the penalty of forfeiting and paying four pence for every crow or squirrel, he or she shall neglect to kill or cause to be killed, to be recovered and applied as herein after directed. Provided always, That no constant residents in any of the towns in the counties in this Act mentioned, shall be included in this Act for their taxables in such town.

IV. And be it further Encated by the authority aforesaid, That every master or mistress of a family, or overseer as aforesaid, on killing any crow or crows, squirrel or squirrels as aforesaid, shall produce the head of such crow or crows, and also the scalp or scalps of such squirrel or squirrels, to some justice of the peace, who thereupon shall give a certifiicate to such person or persons, mentioning the number of crows heads and squirrel scalps so produced, who on giving such certificates shall destroy or cause to be destroyed such heads or scalps in his presence.

And for the more effectually recovering the penalties as aforesaid:

V. Be it Enacted by the authority aforesaid, That each and every of the collectors of the respective counties herein before mentioned, at the time of receiving the county taxes, shall demand of each and every person chargeable with taxes, such certificate for that year; and on neglect or refusal to produce the same or pay the penalties aforesaid, the collector shall and he is hereby impowered and directed to make distress on the State of such person or persons for the penalties aforesaid, in the same manner as by law he is impowered to make distress for public taxes; and shall account for and pay the same in the same manner and under the same restrictions, and have the same allowances as for receiving county taxes; which penalties shall be applied towards defraying the county charges. (Passed December 29, 1785.)

CHAPTER XXIX.

An Act for the Promotion of Learning in the County of Davidson.

Whereas the good education of youth has the most direct tendency to promote the virtue, increase the wealth and extend the fame of any people; and as it is the indispensible duty of every legislature, to consult the happiness of a rising generation and endeavour to fit them for an honorable discharge of the social duties of life. And whereas it is represented to this General Assembly, that the citizens of Davidson county are desirous of making an early and liberal provision for the instruction of youth, by laying the foundation of a public seminary in that county:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the Reverend Thomas Craighead, Hugh Williamson, Daniel Smith, William Polk, Anthony Bledsoe, James Roberson, Lardner Clark, Ephraim M'Claine, and Robert Hays, Esquires, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of the trustees of Davidson academy; and by the name of the trustees of Davidson academy, shall have perpetual succession and a common seal; and that the said trustees and their successors by the name aforesaid, or a majority of them, shall be able and capable in law to take, demand, receive and possess all monies, goods and chattels that shall be given them for the use of the said academy; and the same apply according to the will of the donors, and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them, and their successors forever, any lands, rents, tenements or hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence, that the same or the profits thereof shall be applied to and for the uses and purposes of establishing and endowing the said academy, in the county of Davidson, building or purchasing suitable and convenient houses, purchasing a library and philosophical apparatus, and supporting and paying the salaries of the provost and such number of professors and tutors as to them shall seem necessary.

II. And be it further Enacted by the authority aforesaid, That the said trustees and their successors, or a majority of them, by the name aforesaid, shall be able and capable in law, to bargain, sell, grant, demise, alien or dispose of, and convey any such lands, rents, tenements or hereditaments as aforesaid, when the will of the grantee doth not forbid the same; and further, that the said trustees and their successors forever, or a majority of them, shall be able and capable in law, by the name aforesaid, to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever, by the stile of "The President and Trustees of the Academy of Davidson."

III. And be it further Enacted by the authority aforesaid, That the said trustees or a majority of them, shall and they are hereby authorised to choose a president, treasurer and secretary out of their own body; they may also choose a rector, professors and tutors for the academy, and the same may remove at pleasure; and they shall have authority to make bye-laws for the government and regulation of the academy, and the same to alter and amend. Provided nevertheless, That such laws shall not be repugnant to the laws of this State, their morals, studies, and academical exercises, as to them shall seem meet, and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress of useful knowledge: and further, that on death, resignation, refusal to act, or misconduct of either professors or tutors, the secretary,

treasurer or steward, others shall be elected in their room and stead, a majority of the trustees agreeing thereto.

IV. And be it further Enacted by the authority aforesaid, That the treasurer of the said board of trustees, shall enter into bond with sufficient security to the trustees aforesaid, in the sum of fifteen hundred pounds conditioned for the faithful discharge of the trust in him reposed; and that all monies and chattels belonging to the said corporation that shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of the succeeding treasurer; and every treasurer shall receive all monies and donations of whatsoever kind, that may belong or accrue to the said academy during his office; and at the expiration thereof shall account with the trustees for the same; and the same pay and deliver over to the succeeding treasurer; and on his neglect or refusal to pay and deliver as aforesaid, the same method of recovering may be had against him as is or may be provided for the recovery of monies from sheriffs or other persons chargeable with public monies.

V. And be it further Enacted, That if any trustees shall neglect attending at the stated meetings of the board for the space of two years, or if any of them shall die or otherwise resign his office, the remaining trustees, or a majority of them, shall at their next meeting choose another trustee in the room of the person thus neglecting his duty, dying or resigning his office.

VI. And be it further Enacted by the authority aforesaid, That no lands, tenements or hereditaments, which may be vested in the trustees of the academy of Davidson for the sole use and behoof of the academy, shall be subject to any tax for the space of ninety-nine years.

VII. And be it further Enacted, That two hundred and forty acres of the land reserved for the use of the State, being that part of said land which is most remote from the salt springs near Nashville, shall be and is hereby vested in the trustees of Davidson academy for the use of that seminary. (Passed December 29, 1785.)

CHAPTER XXX.

An Act to Erect and Establish an Academy in the County of Duplin

Whereas the establishing an academy in the said county for the education of youth will be attended with great advantages to the State in general, and the county of Duplin in particular:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Thomas Routledge, James Kenan, Joseph Dickson, Thomas Gray, William Dickson, David Dodd, John James, Israel Bordeaux and James Gillespie, Esquires, be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession, all monies and other property which have been or hereafter may be subscribed for the purpose of erecting an academy on the lands lately purchased of Nicholas Hunter in said county, by name of Grove Academy; and the said trustes and their successors shall be able and capable in law to ask for and demand, receive and possess of the several subscribers, all sums by them respectively subscribed, and in case of refusal of any of them to pay the same, to sue for and recover by action of debt or otherwise, in the name of the trustees, the sum which such person so refusing shall have subscribed, in any jurisdiction having cognizance thereof; and the monies when collected and received, to be applied by the said trustees or a

majority of them towards paying for the lands already contracted for, and erecting thereon a suitable and convenient house, to contract with and employ a tutor or tutors, and to perform every act or thing that they or a majority of them shall think necessary and expedient for the advancement of the said academy and the promotion of learning therein.

II. And be it further Enacted by the authority aforesaid, That the trustees herein before-mentioned, shall previous to their entering on the execution of the trust reposed by this Act, give bond to the court of the county, payable to the chairman and his successor, in the sum of one thousand pounds, specie, with condition, that they shall well and faithfully account for and apply all gifts, donations, bequests and monies which they may receive of and by virtue of this Act for the purposes aforesaid.

III. And be it further Enacted by the authority aforesaid, That if any of the trustees by this Act appointed, shall die, refuse to act or remove away, that he cannot attend the duties of his appointment, the remaining trustees may appoint another in his stead, who shall exercise the same powers as trustees appointed by this Act; and when met together within the said county shall have power and authority to elect and constitute one or more tutor or tutors, and a treasurer, and also to make and ordain such rules and regulations, not repugnant to the laws of this State, for the well-ordering of the students, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave said academy, certifying their literary merit, in general they shall or may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue; and the said trustees or a majority of them are hereby empowered, and shall have lawful authority to remove the tutor or tutors, treasurer or any of them if they shall find it necessary, and on the death, resignation or refusal to Act of any of them, to appoint and elect others in the stead of those displaced, dead or refusing to act.

IV. And be it further Enacted by the authority aforesaid, That the trustees by this Act appointed, or a majority of them, and their successors, shall meet annually on the first Friday of March in each and every year, or at any other time they may find more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the trustees at any time he may find it necessary. Provided always, That he shall give ten days previous notice of such meetings, and that the president and treasurer shall be chosen on the said first Friday of March unless in cases of unavoidable accidents.

V. And be it further Enacted by the authority aforesaid, That the treasurer of the said board of trustees, shall enter into bond with sufficient security to the trustees, conditioned for the faithful discharge of the trust reposed in him by this Act, and that all monies and chattels that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding treasurer; and every treasurer shall receive all monies, donations, gifts, bequests and charities that may belong or accrue to said academy during his office, and at the expiration thereof shall account with the trustees or a majority of them for the same, and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovering may be had against him as is or may be provided for the recovery of money from sheriffs or other public officers. (Passed December 29, 1785.)

CHAPTER XXXI.

An Act Empowering the Commissioners of the Town of Edenton to Convey Part of the Town Commons to the Trustees of Smith's Academy.

Whereas it has been represented by the trustees of Smith's academy that they conceive it would be for the interest of the institution under their care, that they shall be allowed to erect public buildings on the commons of the town of Edenton; and the freeholders and inhabitants of that town having prayed that a law may be made for that purpose:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commissioners of the town of Edenton shall be authorised, and they are hereby authorised to make over and convey to the trustees of Smith's academy, for the sole use of that institution, a lot or parcel of ground out of the town commons, in such place as the trustees may choose, not to exceed six acres. And whereas it is represented, that the freemen inhabitants of the town of Edenton, have neglected to choose commissioners on the first Monday of July last, the day appointed by law for that purpose;

II. Be it Enacted by the authority aforesaid, That the freemen inhabitants of the town of Edenton, shall be and they are hereby authorised to choose commissioners for said town on the second Monday in January next, who shall continue in office till the first Monday of July. (Passed December 29, 1785.)

CHAPTER XXXII.

An Act for Establishing an Academy at Kinston in the County of Dobbs, and to Amend the Act Establishing the Academy in the District of Salisbury.

Whereas liberal subscriptions have been made and a prospect of considerable additions towards establishing a seminary of learning at Kinston in the county of Dobbs. And whereas the proper education of youth is essential to the happiness and prosperity of every community, and therefore worthy the attention of the Legislature:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That an academy be erected and established at the town of Kinston, in Dobbs county, for the education of youth, under the name, stile and title of the Dobbs Academy.

II. And be it further Enacted by the authority aforesaid, That his Excellency Richard Caswell, the Honourable Alexander Martin, Richard Dobbs Spaight, William Blount, Joseph Leech, John Hawks, Jesse Cobb, James Glasgow, Charles Markland, John Isler, John Herritage, Benjamin Coleman and John Court, and they and their successors, to be elected in manner herein after directed, shall forever be a body politic and corporate in deed and in name, by the title of the trustees of the Dobbs Academy, and by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements, rents and hereditaments of any kind, nature, quality or value, in fee or in perpetuity, and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever of any nature, quality or value for building, erecting and supporting the said academy, paying salaries to the president, professors and tutors thereof; and by the same name they and their successors shall and may be able to implead and

be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all judges and justices whatsoever, in all actions, pleas, plaints and demands; and to grant, bargain, sell or assign any lands, hereditaments, tenements, goods or chattels; and to act and do all things whatsoever for the use aforesaid, in as full and ample a manner and form as any natural person or body politick or corporate can or may by law; that they shall and may have a common seal for the business of them and their successors, with liberty to change, break, alter or make new the same from time to time as they shall think proper.

III. And be it further Enacted by the authority aforesaid, That the said trustees, or any five or more of them, shall have full power and authority to meet at all times when they shall think proper at the said town of Kinston, to deliberate, resolve upon and carry into effect the laws and regulations to be by them made for the government of the said academy, and shall have full power to fill up any vacancies which may happen in the said incorporated body of trustees, by the death, refusal to act, resignation or removal out of the State of any of its members, and the persons appointed to fill such vacancies shall be, and they are hereby declared to have the same power and privileges as the trustees named in and by this Act.

IV. And be it further Enacted by the authority aforesaid, That the said trustees or a majority of them be, and they are hereby authorised and empowered to convene at the court house in Kinston, on the first Monday in July next after the passing of this Act, and then and there elect and constitute by commission in writing under their hands, or the hands of a majority of them, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a trustee during his continuance in office, and vested with the same powers, privileges and authorities as any trustee named in and by this Act; and such president and the trustees or their successors or any five or more of them at all other times thereafter, when met together in the said town, shall have full power and authority to elect and constitute one or more professors or tutors, a secretary, treasurer and steward; and also to make and ordain such laws, rules and regulations, not repugnant to or inconsistent with the laws of this State, for the well-ordering and governing the students, their morals, studies and academical exercises as to them shall seem meet, and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress they shall have made in useful knowledge; in general, they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue.

V. And be it further Enacted by the authority aforesaid, That the said trustees or a majority of them, are hereby authorised and declared to have power to remove or displace the professors or tutors, the secretary, treasurer and steward, or any of them if they shall find it necessary, and appoint others in their stead; and in case of the death, resignation or refusal to Act of the president, or any of the said professors or tutors, the secretary, treasurer or steward, others shall be elected by such trustees in the room and stead of those dead, resigning or refusing to act.

VI. And be it further Enacted by the authority aforesaid, That every treasurer appointed by the trustees aforesaid, shall previous to the entering upon his office, enter into bond in the sum of one thousand pounds payable to the trustees aforesaid, conditioned for the faithful discharge of his office, and the trust reposed in him; and that all monies and chattels belonging to the said corporation which shall be in his hands at the expiration of his

office, shall then be immediately paid and delivered into the hands of his successor in office, and every treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever, that may belong or accrue to the said academy during his office; and at the expiration thereof shall account with the trustees for the same, and on his neglect or refusal to pay and deliver to his successor as aforesaid the monies and chattels in his hands, the same mode of recovery shall and may be had against him, as is or may be had for the recovery of monies from sheriffs or other persons chargeable with public monies.

VII. And be it further Enacted by the authority aforesaid, That nothing contained in this Act shall be construed to prevent the trustees from distinguishing the public hall, or their library, by the name of such persons, who may within two years from the said first Monday in July next, make the most liberal donations to the said academy. Provided nevertheless, That this seminary shall not be construed to be one of those mentioned or intended by the constitution.

Whereas it is deemed necessary that an addition of members be made to the board of trustees of the Salisbury academy:

VIII. Be it further Enacted by the authority aforesaid, That the Reverend Robert Archibald, Adolphus Nuffman, and Doctor Thomas Donnell, be added to the board of trustees of the Salisbury Academy, and be vested with the same powers and authorities which any of the trustees aforesaid are vested with, by an Act of the General Assembly for the encouragement of learning in the district of Salisbury. (Passed December 29, 1785.)

CHAPTER XXXIII.

An Act to Allow a Further Time for Saving Lots in the Several Towns Within This State.

Whereas the time allowed by law for saving lots in the several towns of this State, will expire on the second day of June next:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a term of ninety-nine years, from and after the passing of this Act, be given to all persons who hold lots in any of the towns within this State for the compleating their buildings, agreeable to the respective Acts of Assembly in those cases made and provided, any law to the contrary notwithstanding. (Passed December 29, 1785.)

CHAPTER XXXIV.

An Act to Amend the Acts Passed for Purchasing a Lot or Lots in the Town of Wilmington, for the Purpose of Building a Jail for the District of Wilmington, and for the Repairing the Court House of said District.

Whereas, it is represented by the trustees for purchasing a lot in Wilmington, building a district jail thereon, and repairing the district court house, that the monies in their hands, and what yet remains due to them for the years one thousand seven hundred and eighty-three, and one thousand seven hundred eighty-four, have been all expended in purchasing a lot and materials, and making some temporary repairs to the old court house, and other incident expences; and that the taxes yet to be collected will be insufficient to enable them to execute their trust:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the taxes imposed by an Act passed at Hillsborough and ratified the second day of June, one thousand seven hundred and eighty-four, shall continue to be assessed and levied in the several counties in the said district for the years one thousand seven hundred and eighty-seven and one thousand seven hundred eighty-eight; and the said taxes shall be collected and paid in the same manner and under the same pains and penalties as are directed in the said last mentioned Act; and for non-payment thereof the several collectors and sheriffs, and the said trustees shall have the same remedies and mode of recovery as is directed to be had and used for the non-payment of public taxes; and the taxes imposed by virtue of this Act, shall be subject to the same rules and regulations, and shall be applied in the same manner as other taxes imposed for the purposes of building the jail and repairing the court house for the said district. (Passed December 29, 1785.)

CHAPTER XXXV.

An Act to Impower Certain Persons Therein Named to Receive, Sue for and Recover all Such Bequests, Donations, Benefactions and Other Things as Have Heretofore Been Bequeathed, Given or Made by Any Person or Persons Whatsoever, for the Use of the Congregation or Society of the Presbyterian Communion at Wilmington.

Whereas there have been donations and bequests made, and monies raised by subscriptions for purchasing ground and erecting thereon a Presbyterian church or house of worship; and it is suggested that ground hath been purchased for that purpose, but for want of legal authority to call the possessors to account, such donations, bequests, monies and ground are in danger of being lost. For prevention whereof:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That John Hill, Thomas Wright, John Huske, Thomas Maclaine, Robert Wells, John Bradley and James Reed, Esquires, shall be and they are hereby declared to be trustees for receiving and taking into their possession, all and singular the donations, bequests, benefactions and monies which have heretofore been given, bequeathed, made and raised, and all and singular the lands and hereditaments which have been purchased for the use and benefit of the congregation or society of the Presbyterian communion at Wilmington; and the discharges or releases of the said trustees, or a majority of them, shall be sufficient to exonerate all and every person and persons who may be possessed of any of the said donations, bequests, benefactions, monies, or lands and hereditaments, given, bequeathed, raised or purchased for the purpose aforesaid.

II. And be it further Enacted by the authority aforesaid, That the said trustees, or a majority of them, shall be and they are hereby impowered to commence and prosecute any suit or suits, either in law or equity, against any person or persons who may refuse to account for and deliver up to them the said trustees, any donations, bequests, benefactions, monies, or lands and hereditaments, in his, her or their hands and possession; and which had been given bequeathed, raised, subscribed or purchased, for the purpose aforesaid; and to proceed to judgment and execution thereon: and when such donations, bequests, benefactions, monies, lands and tenements, shall be recovered and received, the same to apply to such uses as the said congre-

gation or society shall direct. Provided always, and be it Enacted by the authority aforesaid, That the said trustees before entering upon the execution of their trust, shall give bond in the court of New Hanover county in the sum of two thousand pounds specie, payable to the Governor and his successors, conditioned for the faithful execution of the trust reposed in them by this Act, and upon breach of the condition thereof by any one or more of the said trustees, the said bond may be put in suit by any five of the said congregation or society, and the monies recovered thereon shall be applied by the Governor for the time being to the use of the said congregation or society; or at the request of a majority of them may be lent out at interest on sufficient security by bond payable to the Governor aforesaid. (Passed December 29, 1785.)

CHAPTER XXXVI.

An Act for Annexing Part of the County of Pitt to Beaufort County.

Whereas many of the inhabitants of the county of Pitt have petitioned to be annexed to the county of Beaufort:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, all that part of the county of Pitt included in the following bounds, beginning at Craven county line where it crosses Creeping Swamp, and running with Creeping Swamp and Checod Swamp to the mouth of Round Island branch, then a direct course to the mouth of Pitch Hole branch, then with the swamp to Bear creek, then down Bear creek to Tar river, then down the river on the north side to the mouth of Tranter's creek, then up said Creek to Martin county line, then with Martin, Beaufort and Craven lines to the beginning, be and the same is hereby annexed to and shall be and remain a part of the county of Beaufort: Provided always nothing in this Act shall be understood to prevent the sheriff of the county of Pitt from collecting all public taxes now due in that part of said county, which comes within the description of this Act.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the county of Pitt shall send four jurors, and the county of Beaufort seven jurors to the superior court. (Passed December 29, 1785.)

CHAPTER XXXVII.

An Act to Impower Roberson Mumford and James Porterfield to Receive Storage of Tobacco Inspected and Deposited in Such Warehouse or Houses as They Shall Build at Fayetteville.

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for Roberson Mumford and James Porterfield, their heirs or assigns for the term of twenty-one years from the passing of this Act, to take and receive a storage on tobacco inspected and deposited in the said warehouse or houses at the following rates, that is to say, four shillings for each hogshead of tobacco inspected in the said warehouse or houses. Provided it does not lay in said warehouse or houses more than twelve months, and one shilling per month for each hogshead that shall continue in the said

warehouse or houses over and above twelve months, to be paid by the person taking out or removing such tobacco from the said warehouse. And provided the said Mumford and Porterfield do and shall keep the said warehouse or houses in good and sufficient repair for the inspection and storage of tobacco. (Passed December 29, 1785.)

CHAPTER XXXVIII.

An Act Vesting Certain Property Lying and Being in Granville County in Mary Alston Bell, in Fee Simple.

Whereas it is represented to this General Assembly, that in the year one thousand seven hundred and seventy-five, a gift was made by George Alston to Mary Alston Bell of certain lands and one negro boy named Caesar, which in the opinion of some of the citizens of this State have since become confiscated: For prevention of which,

I. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority thereof, That the title of certain tracts of land in Granville county, which the said Alston purchased of Malachi Reaves and Anne Hopkins about two hundred and seventy acres, and also a certain negro named Caesar, be and is hereby vested in the said Mary Alston Bell, her heirs and assigns forever, any law to the contrary notwithstanding; saving nevertheless to all persons, all rights to the property aforesaid not claimed under the said George Alston. (Passed December 29, 1785.)

CHAPTER XXXIX.

An Act to Vest the Estate of Richard Caswell, Junior, in Trustees for the Benefit of His Creditors.

Whereas it hath been represented to this General Assembly, That Richard Caswell, junior, late of Kinston in Dobbs county, being a person in trade, with a view to extend his commerce went to South Carolina, in the month of November, one thousand seven hundred and eighty-four, and at Charleston took up a considerable quantity of merchandize, principally on credit, and with the same he sailed from thence on the 27th day of December in the same year, on board a schooner bound to New Bern in this State, since which no certain intelligence has been obtained of him, whereby it is apprehended the vessel foundered at sea and he is lost; but as this is uncertain, no person can legally collect his debts or dispose of his property, which is considerable in value; and as he is not only indebted for the greatest part of the goods so purchased, but also to sundry inhabitants of this State, who as well as the friends and those nearest of kin to the said Richard Caswell, have besought the General Assembly to vest the estate of the said Richard Caswell in trustees for the benefit of his creditors: Therefore,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the whole estate of the aforesaid Richard Caswell, junior, both real and personal, be and the same hereby is vested in James Glasgow, Francis Childs and Bryan Whitfield, as trustees to and for the use and benefit of the creditors of the said Richard Caswell in the first instance, and afterwards to the use and benefit of the said Richard Caswell, his heirs and assigns.

II. And be it further Enacted by the authority aforesaid, That the said

trustees or a majority of them, the survivors or survivor of them, be and they hereby are impowered, authorised and required, to take into their possession all the estate of the aforesaid Richard Caswell, both real and personal; and in case of refusal or neglect of any person or persons to deliver up the possession of any real estate, or to deliver up any personal property belonging to the said Richard Caswell to the said trustees, or to pay to them any debt or demand which the said Richard Caswell had or has against such person or persons, the said trustees are hereby further authorised, impowered and required to commence and prosecute any suit or suits, either in law or equity for the recovery of the same, in as full and ample manner, to all intents and purposes, as the said Richard Caswell could lawfully do if he was personally present, and acquittances and discharges to grant which shall in all cases be binding on the said Richard Caswell, his heirs, executors, administrators and assigns for the same.

III. And be it further Enacted by the authority aforesaid, That the trustees aforesaid, or a majority of them, the survivors or survivor of them, shall as soon as convenient may be, advertise in some one or more of the North Carolina newspapers, their appointment as trustees aforesaid, and require all persons who have any demands against the said Richard Caswell to produce the same properly authenticated, to some one or more of the said trustees within three months after the date of such advertisement, which shall be continued in the newspapers during the said time.

IV. And be it further Enacted by the authority aforesaid, That the said trustees after giving three months notice shall sell all or such part of the real and personal estate of the said Richard Caswell as may be sufficient to enable them to discharge his debts, upon a credit of twelve months, the purchaser or purchasers giving bond with approved security, payable to the said trustees for double the sum by him or them purchased; and the said trustees or a majority of them, the survivors or survivor of them are and is hereby authorised to execute deeds of sale to such purchaser or purchasers, which shall insure to such purchaser or purchasers, and have the same effect in every respect as if granted by the aforesaid Richard Caswell or his heirs, so as to convey all the right, title, interest and property which the said Richard Caswell or his heirs have of, in and to the same.

And, whereas, it may happen that the whole estate of the said Richard Caswell, jun., may not sell for a sum sufficient to pay and satisfy the whole demands of his creditors:

V. Be it Enacted by the authority aforesaid, That in case the whole estate when sold agreeable to the directions of this State, shall not be sufficient to discharge all the legal demands against the same, that then and in such case, the trustees aforesaid or a majority of them, the survivors or survivor of them, are and is hereby authorised and impowered to make an equal distribution among the creditors of the said Richard Caswell, due regard being had to each creditor's demand, so as to pay an equal rate in the pound of all such demands.

VI. And be it further Enacted by the authority aforesaid, That the trustees aforesaid be and they are hereby required to compleat the business of their trust within two years from the passing of this Act, and to render an account of their proceedings on oath to the court of the county of Dobbs, where the same shall be entered on record for the benefit and security of all persons concerned. (Passed December 29, 1785.)

CHAPTER XL.

An Act to Prevent the Sale of Such of the Lands of Ralph Macnair, dec., as Remain Unsold in This State, and to Empower Edward Hall, of Edgcomb County, Executor of the Last Will and Testament of the Said Ralph, to Collect the Debts Due from the Inhabitants of This State to the Said Ralph, Which Have Become Due to Him Since the Passing of the Law Commonly Called the Expulsion Act.

Whereas, the property of Ralph Macnair, late of this State, by his departing the same under the direction of the law commonly called the Expulsion Act, has become confiscated to the use of the State, and the said Ralph, being now dead, and leaving behind him three helpless orphans of tender years, and in very distressed circumstances, in behalf of whom Edward Hall, executor of the said Ralph, hath petitioned this General Assembly, on which a committee hath reported as follows: "Your committee recommend that the sale of two tracts of land, late the property of the said Ralph Macnair, now confiscated and advertised for sale by Archibald Lytle, Esq., commissioner of Hillsborough district, be suspended until the next session of Assembly; and that the said Edward Hall be empowered to collect the debts due to the estate of the said deceased, and make due return thereof to the next General Assembly"; which report hath been concurred with.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, no sale or sales shall be made of any part of the property of the said Ralph Macnair, dec., by any of the commissioners of confiscated property in this state, until further directed by the General Assembly, any law to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That the said Edward Hall, as executor to the last will and testament of said Ralph Macnair, dec. shall have full power and authority to sue for and recover all debts due and owing to the said Ralph, which have become due to him since the passing of the law, commonly called the Expulsion Act, any law to the contrary notwithstanding. Provided always, That nothing herein contained shall enable the said Edward Hall to collect any debts due to Ralph and Ebenezer Macnair.

III. And be it further Enacted by the authority aforesaid, That the said Edward Hall shall lay before the General Assembly as soon as may be, after he shall have compleated such collection as aforesaid, an account of all such sums as he may have received by virtue of this Act, in order that they may judge what part shall be appropriated to the use of the orphans of the aforesaid Ralph Macnair. Provided nevertheless, That no suits shall be commenced for the recovery of any of the debts herein mentioned, until after the first day of July next. (Passed Dec. 29, 1785.)

CHAPTER XLI.

An Act for the Relief of Mercy Bedford, and to Vest in the Heirs of Jonas and Mercy Bedford the Landed Estate of the Said Jonas Bedford.

Whereas it has been made appear to the satisfaction of the General Assembly of the State of North Carolina, that Jonas Bedford, formerly of the county of Rutherford in the said State, did in the year one thousand seven hundred and eighty, abandon his said wife Mercy Bedford and her children, by joining

the British army, with whom the said Jonas did leave the State and has not yet returned, leaving his said wife and children in very great distress; and as it is reasonable and just that the real and personal estate of the said Jonas Bedford should be appropriated to the payment of his debts and to the use and support of his wife and children:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Mercy Bedford be enabled and empowered to sell the personal estate of the said Jonas Bedford, and to collect the debts due to her said husband, and after paying the debts due from the said Jonas, to apply the balance, together with the said personal estate or amount thereof to the support of herself and children.

II. And be it further Enacted by the authority aforesaid, That the heirs of the said Jonas and Mercy Bedford be, and they are hereby vested with absolute right in fee simple, of and to all the landed estate of the said Jonas Bedford in as full and ample manner as they could have been by a deed of gift to them for the same from their said father Jonas Bedford. (Passed December 29, 1785.)

CHAPTER XLII.

An Act to Restore to Edward Bridgin, His Heirs and Assigns, all His Property, Real and Personal, in This State.

Whereas the estate of Edward Bridgin, merchant of London, hath been confiscated by the laws of this State, and whereas a committee of the General Assembly have reported they are of opinion that the said Edward Bridgin is entitled to every indulgence of the Legislature:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all the real and personal estate of the said Edward Bridgin, lying and being in this State, confiscated as aforesaid, and as yet undisposed of, and the amount of purchase money or obligations for such part as has been sold, be and is hereby restored to him, his heirs and assigns, and shall not be liable to the operation of any confiscation law heretofore made. (Passed December 29, 1785.)

CHAPTER XLIII.

An Act to Release Certain Persons Therein Mentioned, from Judgments on Forfeited Recognizances, and to Impower the Judges to Suspend Judgments Hereafter to Be Given in Like Cases.

Whereas Simon Terrell and Joseph Kirk were bound by recognizance in a sum of currency equal to about two hundred and sixty pounds specie, for the appearance of a certain William Rains, before the superior court of Hillsborough district, to answer certain charges then to be exhibited against him; and whereas it is fully and clearly represented to this General Assembly that the said Simon Terrell and Joseph Kirk, did deliver the body of the said William in open court, agreeable to the tenor of their said recognizance that neither prosecutor or evidences appearing against the said William, he was discharged from the bar, paying fees; which delivery and discharge the clerk of said court failed to record; so that the said recognizance

was apparently forfeited and judgment passed thereon, and the effects of the said Simon and Joseph are now liable to be sold by execution to satisfy the said judgment; and whereas it is further represented that the said Simon and Joseph are men with families and but very moderate fortunes, and that the execution of the said judgment would unjustly distress them and their families:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Simon Terrell and Joseph Kirk, be and they are hereby released, and fully and entirely discharged from the forfeiture and judgment aforesaid, in the same manner as if the said foreiture and judgment had never happened.

II. And be it further Enacted, That John Jones of Rutherford county shall be and is hereby released from a judgment given on a forfeited recognizance for the appearance of James Armstrong, in the superior court of Morgan district, it having been made manifest to this Assembly that the said John Jones was rendered unable by the loss of his eyes, before the day of appearance mentioned in the said recognizance, to produce the body of the principal.

III. And be it Enacted by the authority aforesaid, That whenever it may appear to any judge or judges of the superior courts of law and equity, on any recognizance in their court adjudicated as forfeited, that there is much hardship in the case, then it may be lawful for such judge to suspend executions thereon; and when the same shall have been so suspended, a state of the case shall be sent by the judge or judges to the next General Assembly, who thereupon are finally to determine. (Passed December 29, 1785.)

CHAPTER XLIV.

An Act for Appointing a Treasurer in the District of Edenton, for the Purpose of Calling to Account the Commissioners for Building a Public Gaol in the District Aforesaid.

Whereas the ruinous condition of the public gaol in the district of Edenton, and the earnest desire of the representatives of the people of that district for erecting a public gaol for the security of felons and others, have heretofore induced the General Assembly to pass different Acts, therein laying a tax on the inhabitants of that district for the purpose aforesaid, and appointing commissioners for receiving and applying the said tax, which have not answered the good purposes expected:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, Thomas Vail, Esq., be and is hereby appointed treasurer for the district and purposes aforesaid, who is hereby vested with full power and authority to call to account the present and all former commissioners, all collectors and sheriffs who heretofore and since the first day of January, one thousand seven hundred and seventy-four, have been impowered by law for the purpose of collecting the said gaol tax, within the district aforesaid; and in case of the refusal or neglect of the commissioners, sheriffs and collectors or either of them, to render a just account of their transactions to the treasurer aforesaid, and to pay the balance of their respective accounts, in such case the treasurer is hereby impowered and required to proceed against such delinquents to obtain judgments for the balances due, in the same manner as is directed by law for the public

treasurer to obtain judgments against delinquent sheriffs for the non-payment of public taxes.

II. And be it further Enacted by the authority aforesaid, That the money when collected, and in the hands of the said treasurer shall be applied solely to the purposes for which the said tax was laid, and shall be subject to the orders or draughts of the commissioners for the time being, whose orders and draughts shall be sufficient vouchers for the treasurer in the settlement of his accounts.

III. And be it further Enacted by the authority aforesaid, That the said treasurer shall enter into bond with sufficient security in the sum of ten thousand pounds current money, payable to his Excellency the Governor for the time being, or his successors in office, conditioned for the faithful discharge of the trust reposed in him, and shall annually at the first court which shall be held for the county of Chowan after the first day of March, in each year, render a just account of the monies by him received for the purposes aforesaid, and his expenditures.

IV. And be it further Enacted by the authority aforesaid, That to enable the said treasurer to procure testimony, commence and prosecute suits, for recovery of the balances aforesaid, and for full compensation for his trouble and expences, it shall and may be lawful for the said treasurer to receive a commission of ten per cent. in all monies received into his office for the purposes aforesaid; the money received by the late commissioners excepted, for which he shall receive two and half per cent. (Passed December 29, 1785.)

CHAPTER XLV.

An Act to Alter the Place of Holding the County Court of Beaufort County, from Bath to the Town of Washington in Said County, and to Erect a New Court House, Prison, Pillory and Stocks in Said County.

Whereas it is found that the situation of the court house in Beaufort county is inconvenient to the greatest part of the inhabitants thereof, which, together with the ruinous condition of the court house, &c. and the want of accommodations for persons obliged to attend on courts and other public business, at the place where the court house now stands, renders it necessary to alter the place of holding courts to the town of Washington:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Nathan Keas, Richard Blackledge and Joseph Palmer, be and they are hereby appointed commissioners to erect a court house, prison, pillory and stocks for the use of the said county, and they or a majority of them, to agree with workmen to build and finish the same at the town of Washington in the said county, and if one or more of the said commissioners should die or remove from the said county, then the survivor or survivors shall elect and choose another or other commissioners to act in his or their stead.

II. And be it further Enacted by the authority aforesaid, That the said commissioners are hereby impowered to receive all subscription money now collected or to be collected for building a court house for the use of the said county in the town of Washington, of not less dimensions than forty by twenty-five feet, and sufficiently and compleatly finish the same, and not to proceed in the fulfilling this Act, until an ample sum is vested in their possession by subscription for building said court house, prison, pillory and stocks.

III. And be it further Enacted by the authority aforesaid, That the justices of the county shall at the first court of said county, which shall be held after the first day of January next, adjourn the court to the school house which stands on the public lot in the town of Washington, provided it shall be made to appear to them there is a sufficient sum lodged in the hands of the commissioners for compleating the buildings by this Act intended to be built; and all suits, actions, plaints and pleas, and other matters and things before the said court then depending and undetermined shall stand adjourned and continued accordingly, and all and every person and persons having day in the said court and witnesses, shall be bound and obliged to appear at the same according to such adjournment.

IV. And be it further Enacted by the authority aforesaid, That the said justices are hereby impowered to sell the old court house, and apply the money arising from such sale to the use of the county for the contingent charges thereof.

V. And be it Enacted by the authority aforesaid, That the justices of the said county shall, previous to selling said public buildings, cause the same to be advertised publicly at the door of said court house and other public places in said county, at least two months before such sale; which when made shall be deemed lawful, and the justices of said county or any three of them are hereby impowered and required to make a title to the person purchasing the same.

VI. And be it further Enacted by the authority aforesaid, That all and every Act and Acts, clause and article heretofore made for any thing within the purview of this Act, is and are hereby repealed and made void. (Passed December 29, 1785.)

CHAPTER XLVI.

An Act to Impower the Freeholders and Freemen of the Counties of Washington, Sullivan and Green, to Return Their Representatives Otherwise Than Is Heretofore Directed.

Whereas it is represented to the General Assembly that many of the inhabitants of Washington, Green and Sullivan counties have withdrawn their allegiance from this State, and have been erecting a separate temporary government among themselves in consequence of a general report and belief that the State being inattentive to their welfare had ceased to regard them as citizens, and had made an absolute cession both to the soil and jurisdiction of the country in which they reside to the United States in Congress: And whereas such report was ill-founded, and it was and continues to be the desire of the General Assembly of this State to extend the benefits of civil government to the citizens inhabitants of the western counties, until such time as they might be separated with convenience and advantage to themselves; and as the Assembly are ready to pass over and consign to oblivion the mistakes or misconduct of such persons in the above mentioned counties as have withdrawn themselves from the government of this State, to hear and redress their grievances if any they have, and to afford them the protection and benefits of government until such time as they may be in a condition from their numbers and wealth to be formed into a separate commonwealth, and be received by the United States in Congress as members of this union:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority aforesaid, That

all matters and things done and transacted by the inhabitants of the counties aforesaid, in setting up or endeavouring to set up an independent government and carrying on the same, are hereby pardoned and put in total oblivion, provided they return to their allegiance to this State.

And whereas it is probable, that in some of the counties before-mentioned, though the freeholders and freemen thereof may be desirous of being represented in the General Assembly of this State, the court may neglect to appoint inspectors to superintend at the election for members of Assembly, or there may not be any justices present at the time and place of the election to appoint inspectors:

II. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, On the day or days appointed by law for the election of members of Assembly, it may and shall be lawful for the freemen inhabitants of the counties of Washington, Green and Sullivan, being convened at the court house of their respective counties, or at such other place as the courts usually sit, to proceed to choose by ballot members to represent them in the General Assembly of this State, under the inspection of any three good and honest men whom they may prefer in cases where the court or the justices may have neglected to appoint inspectors for that purpose; and a return or certificate in favour of the members thus chosen, and signed by any two of the inspectors thus appointed, shall be considered as good and valid certificate; any law, custom or usage to the contrary notwithstanding. And the inspectors shall also return at the same time the names and numbers of the freeholders and freemen who may vote at the election of the membrs to be chosen. (Passed December 29, 1785.)

CHAPTER XLVII.

An Act to Establish a Superior Court of Law and Equity in the County of Davidson.

Whereas the very remote situation of the county of Davidson from the other inhabited parts of this State, renders it necessary for the determination of civil suits and the punishment of public offences committed in the said county, that a court of supreme jurisdiction be established therein:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That one judge shall be commissioned by his Excellency the Governor for the time being, first being elected by joint ballot of the General Assembly for this purpose, to hold a superior court of law and equity in the said county, to be stiled the superior court of law and equity for the county of Davidson, twice in each year at Nashville, to wit, on the first Monday of May and the first Monday of November annually, to be continued by adjournment for ten days exclusive of Sundays (if the business therein depending should be found to require it) which said judge so long as he shall continue in office as well within court as without, shall have and exercise exclusively the same jurisdiction, power and authority in and over all controversies, cases and matters in law or equity arising within the said county of Davidson, to all intents and purposes whatever as the judges of this State now have or can lawfully exercise.

II. And be it further Enacted, That the court of pleas and quarter sessions for the said county, at the court that shall happen next before each setting of the said superior court, shall nominate and cause to be summoned

forty-eight householders to attend the same as jurors, who shall be bound to give their attendance accordingly, under the same penalties for disobedience as jurors summoned to attend the other superior courts in this State.

III. And be it further Enacted, That the said judge for his service in attending at and holding the said courts, shall be allowed fifty pounds per court, to be paid by the county treasurer of Davidson, on his producing a certificate from the clerk of the court that he has performed the service.

IV. And be it further Enacted, That no person in the county of Davidson, shall be subject to any action, real and personal or mixed, to be instituted against him, in any of the courts on the east side of the Apalachian mountains, and no person on the said east side of the Apalachian mountains shall be subject to any action, real, personal or mixed, in the court of Davidson. (Passed December 29, 1785.)

CHAPTER XLVIII.

An Act for Levying a Tax in the District of Halifax to Discharge a Balance Due for Repairing the Court House and Jail of Said District.

Whereas, the tax levied for the above purpose on collection has proved deficient, and there remains a balance due of eighty-two pounds for which no provision has been made:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority aforesaid, That each and every hundred acres of land in the county of Halifax, shall be subject to a tax of one half-penny, and each hundred pounds of assessable property one penny half-penny, and each person liable to pay a poll tax shall also pay one penny half-penny for the year one thousand seven hundred and eighty-five; and there shall also be collected in the counties of Northampton, Warren, Nash, Franklin, Edgcomb and Martin, the sum of one farthing on every hundred acres of land, and on every hundred pounds of assessable property three farthings, and for every poll three farthings, for the purpose of discharging the above balance, to be collected for the year one thousand seven hundred and eighty-five; and these taxes shall be collected by the same persons in each county as other taxes are, and the collectors are hereby declared subject to the same rules, regulations, restrictions and penalties that collectors of public monies are.

II. Be it also Enacted by the authority aforesaid, That the former commissioners, or a majority of them, are hereby authorised to receive the monies so collected, and the said commissioners are by this law impowered to sue for and recover the said taxes from the said collectors as district treasurers have heretofore been authorised. (Passed December 29, 1785.)

CHAPTER XLIX.

An Act to Alter the Manner of Holding Elections for Members of the General Assembly in New Hanover County.

Whereas the most northern part of the county of New Hanover is at so great a distance from the town of Wilmington, that it is extremely inconvenient and burthensome for poor persons to attend the elections of members for the said county, whereby many persons are prevented from giving their suffrages for persons to represent them in the General Assembly: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the annual elections for the said county shall be held and taken in the following manner, that is to say, the election shall begin at the house of John Larkins, Esq. the day preceding the third Friday in August in every year, and shall continue until sunset of the same day in manner by law directed, when the sheriff and inspectors shall seal up the ballot boxes, and on the day following shall proceed with the boxes and the several lists of voters by them taken to the town of Wilmington; and on Saturday, being the 2nd day of the annual election throughout the State, the poll shall be opened at Wilmington, the seals taken off the ballot boxes, and the election continued until sunset for such of the county electors who shall not have voted before and for the electors of the town; and the poll shall be opened on both days at ten o'clock, any law to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That such of the electors of the said county as may think proper may give their votes on the first day of election at the house of John Larkins, Esq., aforesaid; and all such electors of the said county as shall not vote on the first day of the election, shall be at liberty to give their votes in the town of Wilmington on the second and last day of the election; and when the election shall be finished in manner by Act directed, the tickets shall be numbered and the members chosen shall be declared in the usual manner.

III. And be it Enacted by the authority aforesaid, That in case the seat of any member or members of the said county should be vacant, a writ or writs shall issue for the election of a new member or members to fill the vacant seats in manner herein before directed, that is to say, to hold such election at the different places before mentioned with an intervening day between them; and in case of a writ for election of a member for the town of Wilmington the same shall be held and concluded in one day, and in both cases the poll shall be opened at ten o'clock, any law to the contrary notwithstanding. [Passed December 29, 1785.]

CHAPTER L.

An Act to Impower the County Courts of Johnston and Duplin to Levy a Further Tax on the Inhabitants of Said Counties for Defraying the Expence of Building the Court House, Prison and Stocks in the Same.

Whereas the tax heretofore levied by law for the purposes aforesaid is not sufficient to answer the end thereby intended:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority aforesaid, That the county court of Johnston, are hereby vested with full power to levy a further tax for the purposes aforesaid, not exceeding two shillings on each and every poll subject to the payment of taxes, and a like tax on every hundred pounds of assessable property, and a tax of eight pence on every hundred acres of land to be collected for the years one thousand seven hundred and eighty-five and one thousand seven hundred and eighty-six, in the same manner and accounted for as all other taxes.

And whereas the taxes heretofore laid for erecting the public buildings in the county of Duplin, have been found insufficient to compleat the same:

II. Be it Enacted by the authority aforesaid, That the county court of Duplin be impowered to levy a further tax of one shilling on every poll, and four pence on every hundred acres of land in said county, to be collected for

the year one thousand seven hundred and eighty-six as other public taxes, and put into the hands of James Pearcell, Thomas Routledge and Robert Dickson; who are hereby constituted and appointed commissioners for finishing and compleating the public buildings in the said county, at the place now fixed on; they the said commissioners first giving bond to the county court of Duplin for the faithful application of such monies as may come into their hands in virtue of this Act; and if any surplus shall remain in their hands it shall be appropriated towards the payment of the county tax. [Passed December 29, 1785.]

CHAPTER LI.

An Act to Empower the Justices of Hertford and Tyrrell Counties to Establish Free Ferries in the Said Counties, and Lay a Tax for Defraying the Charges of the Same.

Whereas, by reason of several water courses running through the counties of Hertford and Tyrrell, the ferries over which it is necessary for many of the inhabitants to pass to attend the courts and other public meetings at the court houses in the said counties are expensive and burthensome to such inhabitants: For remedy whereof,

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the justices of the said counties, or any seven or more of them, be and they are hereby impowered to agree with the owner or owners, keeper or keepers of any ferry or ferries within the said counties as they shall think necessary, for such sum or sums of money as shall appear to them reasonable, to set over such ferry or ferries any of the inhabitants of the said counties requiring the same, free from any charges whatsoever, on any of the days of the courts, elections of members of the Assembly or wardens of the poor, meeting of the wardens or general musters of the said counties.

II. And be it further Enacted by the authority aforesaid, That the justices of the said counties are hereby authorised and required, yearly and every year, at the same time that they lay the county levy, to lay a tax not exceeding six pence current money of the State aforesaid, on each and every poll and a like tax on every hundred pounds of assessable property, and a tax of two pence on every hundred acres of land in the said counties, to be collected and accounted for by the collectors with the justices of the said counties, in the same manner as other county taxes; and by them applied to the discharging of the several contracts to be made in virtue of this Act, and the overplus, if any, to the contingent charges of the counties.

III. And be it further Enacted by the authority aforesaid, That each and every ferryman with whom the justices shall agree as aforesaid, shall be and they are hereby obliged to set over, ferriage free, any of the inhabitants of the said counties, on the days and times aforesaid, under the penalty of twenty shillings current money of the State aforesaid, for every offence to be recovered by the party grieved, before any justice of the peace, and applied to his own use.

IV. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the justices of the said counties to take bond and security of all such ferry-keepers with whom they shall agree as aforesaid, in the sum of twenty pounds, for the due and faithful performance of the duty enjoined them by this Act. [Passed December 29, 1785.]

CHAPTER LII.

An Act for Inspection of Tobacco in the County of Davidson, in the Town of Nashville, on Cumberland River.

Whereas the cultivation of tobacco in the county of Davidson is greatly increasing, and the inspection of that commodity established, would tend greatly to the advantage of the persons raising the same:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Davidson shall annually appoint two or more persons, well acquainted with the nature and quality of tobacco, to be inspectors thereof, who shall take the same oath, be subject to the same rules, restrictions and regulations, to which other inspectors in this State are subject.

II. Be it further Enacted by the authority aforesaid, That the inspectors to be appointed by virtue of this Act, shall be entitled to receive the sum of eight shillings for each and every hogshead of tobacco by them inspected, in full for all their services, including turning up said tobacco, prizing, finding nails, weighing and issuing a note and no more, to be paid by the owners of the tobacco so inspected.

III. And be it further Enacted, That the county court aforesaid shall be impowered to appoint, if they think necessary, two or more discreet persons to superintend the warehouse, whose business shall be to pick and sort such tobacco which shall be refused by inspectors, and when picked and sorted in such manner as may pass inspection, they shall prize, weign and do every necessary service thereon, for which they shall be entitled to receive the fifteenth part of all such tobacco in full for all their services.

IV. And be it further Enacted by the authority aforesaid, That all tobacco inspected in the town of Nashville, shall be held and deemed a lawful tender or payment for all tobacco contracts hereafter to be made in the said county of Davidson. [Passed December 29, 1785.]

CHAPTER LIII.

An Act for Impowering the Court of Randolph County to Adjourn to the Place Which They Shall Think Most Convenient for Holding the Same.

Whereas by an Act of the General Assembly passed in the year one thousand seven hundred and eighty-three, the place for holding the courts of said county, was appointed to be held at the former dwelling house of William Bell until the public buildings in said county should be compleated, which place is found inconvenient for the purpose aforesaid;

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said court be impowered, and they are hereby authorised, to adjourn to any convenient house until the public buildings of said county shall be compleated, any law to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the fifth section of the above recited Act, be and is hereby repealed and made void. (Passed December 29, 1785.)

CHAPTER LIV.

An Act to Prevent the Distillation of Spirituous Liquors for the Time Therein Mentioned in the County of Davidson.

Whereas it is represented to the present General Assembly, that from the great emigration to the county of Davidson, it would be of utility to the inhabitants thereof in general, to prevent the distillation of spiritous liquors from grain for a time hereinafter mentioned: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall not be lawful for any person or persons to distil or cause to be distilled any spirituous liquors from either corn, wheat, rye, barley or other grain, within the county aforesaid; any person or persons so offending against this Act, shall forfeit and pay the sum of ten pounds current money for every gallon of spirituous liquors he or they shall so distil or cause to be distilled, to be recovered before any jurisdiction, having cognizance of the same; one half to the use of the person who will sue for the same, and the other half for the use of the county, towards lessening the county tax. This Act shall continue and be in force until the first day of October next, and from thence to the end of the session of Assembly. (Passed December 29, 1785.)

CHAPTER LV.

An Act for Appointing Commissioners in the County of Rutherford for Building a Court House, Prison and Stocks in Said County, and for Levying a Tax for Defraying the Expences Thereof.

Be it Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That Felix Walker, William Nevil, James Whiteside, Alexander M'Donald and William M'Murray, or a majority of them, be and they are hereby appointed commissioners, who are hereby authorised and impowered to contract and agree with any person or persons for building and finishing the court house, prison and stocks in the aforesaid county, on the fifty acres of land already procured for that purpose by commissioners appointed in an Act of Assembly entitled an Act to amend an Act intitled, An Act to build a court-house in Rutherford county, and for other purposes.

II. And be it further Enacted by the authority aforesaid, That a tax of four pence be levied on every hundred acres of land, and a tax of one shilling on every poll, and a tax of one shilling on every hundred pounds value of town property in the said county, to be collected for the years one thousand seven hundred and eigthy-six, and one thousand seven hundred and eighty-seven, and accounted for as all other taxes are in the like nature. (Passed December 29, 1785.)

CHAPTER LVI.

An Act for the Inspection of Tobacco in the Town of Windsor.

Whereas it may be beneficial to the planters of tobacco adjacent to the town of Windsor, that an inspection of that commodity should be established in the said town;

I. Be it therefore Enacted by the General Assembly of the State of North

Carolina, and it is hereby Enacted by the authority of the same, That the county court of Bertie shall annually appoint two discreet and careful men, well acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions to which inspectors of tobacco are subject by an Act of the General Assembly passed at Halifax in the year one thousand seven hundred and seventy-seven, entitled "An Act to amend the staple of tobacco and prevent frauds."

II. And be it further Enacted by the authority aforesaid, That the inspectors so appointed shall have and receive of the owners of tobacco the sum of eight shillings for each and every hogshead; and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prizing and every thing necessary thereto.

III. And be it further Enacted, That all tobacco so inspected shall be held and deemed merchantable tobacco, as if the same had been inspected at any other inspection within this State. (Passed December 29, 1785.)

CHAPTER LVII.

An Act for the Inspection of Tobacco in Certain Western Counties.

Whereas the appointing inspectors of tobacco in certain western counties would enable the planters to sell the tobacco there inspected for a better price at home, and might tend to encourage the making tobacco, one of the staple commodities of this State:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the justices of each county in the districts of Morgan and Salisbury, and the county of Randolph, shall have power annually to appoint two discreet and careful men, well acquainted with the qualities of tobacco, to be inspectors thereof in such county, who shall take the same oath or affirmation, perform the same duties, and be liable to the same penalties and shall receive the same fees as other inspectors of tobacco in this State: Provided nevertheless, That the tobacco inspected by virtue of this Act may be re-inspected if required by the purchasers, at any warehouse to which the same shall be carried for exportation, and if the said tobacco shall again pass and be approved, the purchaser shall pay the fees; And provided also, That nothing in this Act contained shall extend to impower any county court to lay a tax for the purpose of building a warehouse. (Passed December 29, 1785.)

CHAPTER LVIII.

An Act for the Inspection of Tobacco in the County of Surry.

Whereas it may be beneficial to the planters of tobacco in the western parts of this State, that an inspection of that commodity be established in the county of Surry:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Surry shall annually appoint two discreet and careful men, well acquainted with the nature and qualities of tobacco, to be inspectors thereof, who shall take the same oath, be subject to the same rules, regulations, and restrictions, to which inspectors of tobacco are subject by an

Act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy-seven, entitled, "An Act to amend the staple of tobacco, and prevent frauds."

II. And be it further Enacted by the authority aforesaid, That the inspectors so appointed shall have and receive of the owners of tobacco the sum of eight shillings for each and every hogshead, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prizing and everything necessary thereto.

III. And be it further Enacted by the authority aforesaid, That all tobacco so inspected shall be held and deemed merchantable tobacco, as if the same had been inspected at any other inspection in this State. Provided that nothing herein contained shall extend or be construed to extend to prevent the re-inspection of any tobacco inspected at the said inspection for said county, agreeable to this Act, by the inspectors lawfully appointed at any inspection heretofore established by law, to which it shall or may be carried for exportation, if it shall appear that the tobacco so inspected has been rolled or otherwise damaged in its passage from the warehouse in said county to the port where it may be received. And provided also, That no tobacco inspected at said warehouse shall be held or deemed a lawful tender in payment of any tobacco contract heretofore made until re-inspected at some other warehouse, any law to the contrary notwithstanding; and that the justices of the county court aforesaid are hereby authorized and impowered, at the first court held in May next, to nominate and appoint such place as they may think most convenient for such inspection to be held, or warehouses to be erected for that purpose. (Passed December 29, 1785.)

CHAPTER LIX.

An Act for Erecting a Town on the Lands of Whitmill Hill, in Martin County, on Roanoak River.

Whereas it is represented to this Assembly that the land of Whitmill Hill, on the south side of Roanoak river, known by the name of Kehuky, in Martin county, is a healthy, pleasant situation, and very conveniently situated for trade and commerce, and the said Whitmill Hill having signified his consent to have seventy acres of the said land laid off for a town, which will greatly promote the trade and navigation of said river:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said seventy acres of land be laid off in half-acre lots and streets accordingly, and the same are hereby constituted and established a town, and shall be called by the name of Blountville.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, that Joseph Blount Hill, William Williams, Blake Baker Wiggins, John Dawson, John Drew and Jeremiah Nelmes, Gentlemen, be and they and every of them, be constituted commissioners and trustees for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate, in fee simple, in the said seventy acres of land as aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners or any three or them, shall have full power and authority to meet as often as they shall think necessary, to

appoint a public quay on Roanoke river, adjoining the said town for a public landing, as they shall think convenient and necessary.

III. Be it Enacted by the authority aforesaid, That the said commissioners or a majority of them, shall appoint a time and give public notice thereof, for meeting the subscribers on the said land, for determining the property of each particular lot, which shall be drawn by ballot in a fair manner, by direction and in the presence of a majority of the said commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the said town; and the said commissioners or a majority of them shall make and execute deeds for granting and conveying the said lots contained in the said town, to the respective subscribers for the same, their heirs and assigns forever, and also to all and every other person and persons who shall purchase any other lot or lots in the said town, at the proper cost and charges of the said grantee or grantees to whom the same shall be conveyed, and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.

IV. And be it further Enacted by the authority aforesaid, That the respective subscribers for the said lots shall, within three months after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said commissioners the sum of forty shillings for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with costs.

And for continuing the succession of the said commissioners, Be it Enacted, That in case of death, refusal to act, or removal out of the State of any of the said commissioners, the surviving or other commissioners, or a majority of them, shall assemble, and from time to time by an instrument in writing under their respective hands and seals, nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act, or removing out of the State, which new commissioner so nominated and appointed, shall from thenceforth have the same power and authority in all things concerning the matter herein contained, as if he had been expressly nominated and appointed by this Act. (Passed December 29, 1785.)

CHAPTER LX.

An Act for Establishing a Town on the Lands of Mial Scurlock, Deceased, in Chatham County.

Whereas it hath been represented to this General Assembly that the lands belonging to the estate of Mial Scurlock, dec. whereon the court house and other public buildings in the county of Chatham now stand, is an exceedingly healthy, pleasant situation, well watered and commodious for commerce, being situate in a rich and fertile part of the country, and sundry merchants and persons of distinction in the lower parts of the State, are desirous that a town should be erected thereon with a design of becoming purchasers of lots, and erect buildings for the reception of their families in the summer months; it will also greatly tend to the ease and convenience of the inhabitants of that county in particular, and the western parts of this State in general. And whereas it appears by a certificate under the hands of

Sarah Scurlock, executrix, and James Howard, executor of the last will and testament of the said deceased, that they are empowered by the last will and testament of the said deceased to dispose of the said land, and they have given their assent that one hundred acres should be laid off for a town.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the trustees hereafter appointed, or a majority of them, shall as soon as may be after the passing of this Act, cause one hundred acres of land to be laid off in half acre lots each, with convenient streets, lanes and alleys, and an hundred acres for the public buildings; which lots so laid off according to the directions of this Act, are hereby constituted and erected a town by the name of Pittsborough.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, that Joseph Stewart, John Montgomery, Joseph Brantley, Zachariah Harmon, Elisha Cain, George Lucas, Matthew Jones, Will. Vestol, James Anderson, Esqrs. be and they are hereby constituted trustees for the designing, building and carrying on the said town, and they shall stand seized of an indefeasible estate in fee simple of the said one hundred acres of land, to and for the use, intents and purposes hereby expressed and declared; and they or a majority of them shall have full power to meet as often as they shall think necessary, and cause a plan thereof to be made, and therein to insert a mark or number to each lot; and as soon as the said town shall be laid out as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe therefor; and when the said trustees have taken subscriptions for eighty lots or upwards, they shall appoint a day and give public notice of the day and place appointed for the drawing of the said lots; which shall be done by ballot in a fair and open manner by the direction and in the presence of a majority of the trustees; and such subscriber shall be entitled to such lot or lots which shall be drawn for him, according to the mark or number in the plan of the said town; and the said trustees or a majority of them shall make and execute deeds for granting and conveying the lots as aforesaid to the subscribers, their heirs and assigns forever; and also to every other person who shall purchase any other lot or lots in the said town at the cost and charge of the said grantees; and any person claiming any lot or lots by virtue of any such conveyance, shall and may hold the same in fee simple.

III. And be it further Enacted by the authority aforesaid, That each and every subscriber for any lot or lots in the said town, shall within one month after it shall be ascertained to whom the said lots doth belong in manner herein before mentioned, and before any grant or conveyance shall be made, shall pay and satisfy to the said trustees or one of them, such sum or sums of money as the trustees or a majority of them shall have fixed as the price of each lot by him subscribed for; and in case of the neglect or refusal of any subscriber to pay the said sum, the said trustees shall and may commence and prosecute a suit for the same, and therein shall recover judgment with costs of suit: And the said trustees shall as soon as they receive the money, pay and satisfy to Sarah Scurlock, executrix, and James Howard, executor of the said Mial Scurlock, dec. the sum of six pounds for each acre, in full satisfaction for the said land, and the residue if any shall be applied towards defraying the expences of laying off and improving the said town.

IV. And be it further Enacted by the authority aforesaid, That in case

of the death, refusal to act, or removal out of the county, of any of the trustees, the survivor or survivors of them, are hereby impowered from time to time, by instrument of writing under their hands, to appoint some other person being a freeholder of the said town, in the place of him so dying, refusing to act, or removing as aforesaid; which trustee so appointed shall have the same powers and authorities as if he had been appointed by this Act. Provided nevertheless, That two acres of land shall be reserved, exclusive of the said one hundred acres of land, to secure the dwelling house and other houses belonging to the estate of the said deceased now on the said land. (Passed December 29, 1785.)

CHAPTER LXI.

An Act for Laying Out a Town on the Lands of Jesse Peacock, in the County of Sampson.

Whereas it hath been represented unto this General Assembly that a town in the county of Sampson, on the lands of Jesse Peacock, near the confluence of the Cohera and Six Runs, where those streams make Black river, would be conducive to the interests of the county aforesaid, and may be rendered convenient to many of the neighbouring counties:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Richard Clinton, Richard Herring, David Dodd, William Vann and Curtis Ivey be, and they are hereby appointed commissioners to settle with the said Jesse Peacock for any number of acres of land not exceeding one hundred, and the terms on which he will dispose of the same in lots of one half acre each; and the ground so agreed for lay off into streets not less than fifty feet or more than one hundred feet in width; which lots and streets the said commissioners are required to lay down in a regular plat, numbering the lots therein laid down, which ground so laid off shall be distinguished by the name of Lisburn.

II. And be it further Enacted by the authority aforesaid, That the commissioners aforesaid, as soon as fifty lots shall be subscribed for, all the numbers of the lots of the said town shall be placed in one box, and the names of the subscribers in another, and when a name being drawn out and a number at the same time, his shall be the lot the number of which was drawn with his name, and the remaining numbers undrawn and unsubscribed, shall be vested in the said commissioners for the use of the said town. Provided always, The subscribers for the first fifty lots shall pay the sum of thirty shillings for each lot and no more, and that this Act shall not have effect until the said Jesse Peacock shall execute a sufficient conveyance to the commissioners aforesaid, of the lands agreed for as aforesaid, for the laying out the said town.

III. And be it further Enacted by the authority aforesaid, That the said commissioners or a majority of them, are hereby empowered to receive the same and to grant a certificate of the lot or lots when drawn by the subscribers, which is hereby declared to vest in them respectively a good and sufficient title in law.

IV. And be it further Enacted by the authority aforesaid, That if any of the commissioners hereby appointed should refuse to Act, die or remove out of the county, the surviving commissioners shall be and they are hereby impowered to elect another in the room of him or them so refusing, dying or removing. (Passed December 29, 1785.)

CHAPTER LXII.

An Act for Erecting a Town on the Lands of Luke Mizell and William Mackay, on the South Side of Roanoak River, in Martin County.

Whereas, it hath been represented to this General Assembly that the lands of Luke Mizell and William Mackay, on the south side of Roanoak river, is a healthy, pleasant situation, and very conveniently situated for trade, and the said Luke Mizell and William Mackay, having signified their consent to have fifty acres of said land laid off for a town, which will greatly promote the trade and navigation of said river:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said fifty acres of land be and is hereby constituted and established a town, and shall be called by the name of James Town.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, that Benjamin Harrison, Esq., John Stewart, Samuel Smithwick, Luke Mizell and James Mackay, be and every of them are hereby constituted commissioners and trustees, for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate in fee simple in the said fifty acres of land aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners, or any three of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on the said river adjoining the said town for a public landing as they shall think convenient and necessary.

III. Be it Enacted by the authority aforesaid, That the said commissioners or a majority of them, shall appoint a time and give public notice thereof for meeting the subscribers on said land, for determining the property of each particular lot which shall be drawn by ballot in a fair manner, by direction and in the presence of a majority of the commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, and correspond with the number in the plan for the said town; and the said commissioners, or a majority of them, shall make and execute deeds for the granting and conveying the said lots to the persons entitled to the same, their heirs and assigns for ever; and also, to all and every other person or persons who shall purchase any lot or lots in said town, at the proper costs and charges of the grantee or grantees to whom the same may be conveyed.

IV. And be it further Enacted by the authority aforesaid, That the respective subscribers of the said lot shall within three months after it shall be ascertained to whom each of said lots doth belong in manner herein before mentioned, pay and satisfy to the said commissioners the sum of five pounds for each lot by them subscribed for, and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with costs. And for continuing the succession of the said commissioners, Be it Enacted, that in case of death, refusal to act, or removal out of the State of any of the said commissioners, the surviving or other commissioners or the majority of them shall assemble, and shall from time to time by an instrument in writing, under their respective hands and seals nominate some other person, being an inhabitant or freeholder of the said town, in the place of him so dying, refusing to act or removing out of the State; which new commissioner so nominated and appointed, shall from thenceforth have the same power and authority in all things con-

cerning the matters herein contained as if he had been expressly nominated and appointed by this Act.

V. And be it further Enacted, That the said Luke Mizell and William Mackay may retain to themselves three lots each, whereon they have a storehouse and other buildings already erected, anything to the contrary notwithstanding. (Passed December 29, 1785.)

CHAPTER LXIII.

An Act for Erecting and Establishing a Town in the County of Lincoln.

Whereas it hath been represented to the General Assembly that the commissioners appointed by Act of the General Assembly for the purpose of purchasing one hundred acres of land, and fixing on a place convenient for erecting the public buildings of said county, have entered three hundred acres of vacant and unappropriated lands, lying and being between the lines of Philip Kanceller and Christian Rhineharts, and the same being a healthy, pleasant situation, and well watered, the inhabitants of said county are desirous that a town should be established thereon; and whereas the said commissioners have proceeded to lay off fifty acres of the aforesaid lands into squares, streets and lots of half an acre each, and hath sold the several lots: Therefore,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said fifty acres of land so laid off into squares, streets and lots as aforesaid, be and the same is hereby constituted, erected and established into a town, and shall be called by the name of Lincolnton.

II. And be it further Enacted by the authority aforesaid, That Joseph Dickson, John Corouth, John Wilson, Joseph Steel and Nicholas Friday, Esqrs., be and they are hereby constituted and appointed trustees and directors for designing, building and carrying on the said town, and they shall stand seized of an indefeasible estate in fee simple, in the said fifty acres of land laid off as aforesaid, and also in the remaining two hundred and fifty acres adjoining thereto, for the uses, intents and purposes hereby expressed and declared, and the said trustees and directors, or any three of them, shall have full power and authority to meet as often as they shall think necessary, to lay off two or more lots of the said fifty acres of land laid off as aforesaid, convenient for the public buildings, and the residue into streets, squares and lots of half an acre each, and cause a plan thereof to be made, and therein to insert marks and numbers to each lot. And whereas the said Joseph Dickson, John Corouth, John Wilson, Joseph Steel and Nicholas Friday have heretofore sold to several persons lots of half an acre each laid out within the bounds of the said fifty acres of land.

III. Be it Enacted by the authority aforesaid, That the said trustees or directors, or a majority of them, shall make and execute deeds for granting and conveying the said lots so laid off and sold as aforesaid, to the purchaser or purchasers, their heirs and assigns for ever, and also to every other person who shall purchase any lot or lots in said town, at the cost and charges of the grantee to whom the same shall be conveyed, and any person claiming any lot or lots by virtue of any such conveyance shall and may hold any enjoy the same in fee simple.

IV. And be it further Enacted by the authority aforesaid, That all monies

which have arisen or shall hereafter arise by a disposal of the said lots granted by the said trustees or directors, or their successors, shall be received by the said trustees or their successors, and after their reasonable charges and expences deducted, and applied to the improvements and advantages of the said town, in such manner as a majority of the said trustees or directors shall from time to time think convenient.

V. And for continuing the succession of the trustees or directors, Be it further Enacted by the authority aforesaid, in case of the death, refusal to act, or removal out of the county of any of the said trustees or directors, the surviving or other trustees or directors or a majority of them, shall assemble, and are hereby impowered from time to time by instruments of writing, under their respective hands and seals to nominate and appoint some other person, being a freeholder in said town, in the place of him so dying, refusing to act or removing out of the county, which new director or directors so nominated and appointed, shall from thenceforth have the like power and authority as if he had been expressly nominated in and by this Act. (Passed December 29, 1785.)

CHAPTER LXIV.

An Act to Establish the Town Laid off at Guilford Court House by the Name of Martinville.

Whereas a town hath been laid off at Guilford court house, at the instance and request of many of the inhabitants of the said county, that thereby an inland trade might be encouraged and promoted in that part of the State: And whereas divers merchants, artificers and other persons, induced from the pleasant and healthy situation of the place aforesaid, and the great number of neighbouring inhabitants have purchased lots from the proprietors, erected buildings and made considerable improvements for the purpose aforesaid, and are desirous the said town be established by legislative authority:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That one hundred acres of land adjacent to, and whereon Guilford court house now stands, belonging to Alexander Martin and Thomas Henderson, Esquires, who have signified their consent for this purpose, be established a town and a town common, agreeable to the plan laid off by William Dent, Esq., by the name of Martinville.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, William Dent, Ralph Gorrell, Robert Lindsay, John Hamilton, William Dick, and Bazilla Gardner, Esqs., be and they and every of them, are hereby constituted commissioners for the further designing, building and improving the said town; and they shall stand seized of an indefeasible estate in fee simple, of and in the residue of the said one hundred acres of land that remain undisposed of, to and for the uses and purposes hereby expressed and declared, except in two lots the proprietors shall make choice of; which are hereby reserved to each of their proper use and behoof in severalty, and their heirs and assigns forever. And the said commissioners or a majority of them, shall make and execute deeds to such respective persons who shall become purchasers of any lot or lots in the said town that remain unsold by the proprietors aforesaid, at the cost and charges of the grantee or grantees; which lot or lots, by virtue of the said

conveyance, shall be held to such purchaser or purchasers in fee simple, to his or their heirs or assigns forever.

III. And be it further Enacted by the authority aforesaid, That all monies which shall arise from the disposal of the lots of the said town by the commissioners shall be received by them or their successors, and after deducting their reasonable charges and expences, the same shall be paid by them to the said Alexander Martin & Thomas Henderson, their executors, administrators or assigns.

IV. And for the continuing the succession of the said commissioners, Be it further Enacted by the authority aforesaid, That in case of the death, refusal to act, or removal out of the county of any of the said commissioners, the survivors or a majority of them shall assemble, and are hereby authorised to nominate and appoint by instrument of writing under their hands, some other person being an inhabitant and freeholder of the said county, in the place and room of him so dead, refusing to act, or removing out of the county aforesaid; which said commissioner so appointed, shall have and exercise all the same powers and authorities in all matters herein contained, as the person in whose room and stead he was so appointed had and exercised. Provided always, That the springs and water courses in the said town shall be reserved for public use, and the inhabitants thereof shall have free egress and regress to and from the same, by such streets or alleys, as shall be deemed and laid off most convenient by the said commissioners, any thing contained herein to the contrary notwithstanding. (Passed December 29, 1785.)

CHAPTER LXV.

An Act to Establish a Town in the Fork of Cumberland and Red River on The East Side of Red River in Davidson County.

Whereas a town has been laid off in the Fork of Cumberland river and Red river, on the east side thereof, and a considerable number of lots sold by the proprietors, and the purchasers of these lots are desirous that the town should be established by legislative authority:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That two hundred acres of land lying in the fork of the Cumberland river and Red river, on the east side thereof, belonging to John Montgomery and Martin Armstrong, Esqrs., who have signified their consent for this purpose, be established a town and town common, agreeable to a plan laid off by the said Martin Armstrong, Esq., by the name of Clarksville.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, John Montgomery, Anthony Bledsoe, Anthony Cruther, William Polk and Lardner Clarke, Esqrs., be and they and every of them are hereby constituted commissioners for the further designing, building and improving the said town, and they shall stand seized of an indefeasible estate in fee simple of and in the residue of the said two hundred acres of land that remain undisposed of, to and for the uses and purposes hereby expressed and declared, except such lots as the proprietors shall make choice of, which are hereby reserved to each of their proper use and behoof in severalty, and their heirs and assigns forever; and the said commissioners or a majority of them, shall make and execute deeds to such respective persons as shall become purchasers of any lot or lots in the said town that remain

unsold by the proprietors aforesaid, at the cost and charges of the grantee or grantees, which lot or lots by virtue of such conveyance, shall be held to such purchaser or purchasers in fee simple to his or their heirs and assigns forever.

III. And be it further Enacted by the authority aforesaid, That all monies which shall arise from the disposal of the lots of the said town by the commissioners, shall be received by them or their successors, and after deducting their reasonable charges and expences, the same shall be paid by them to the said proprietors, their executors, administrators or assigns. And for continuing the succession of the said commissioners;

IV. Be it further Enacted by the authority aforesaid, That in case of death, refusal to act or removal out of the county, of any of the said commissioners, the survivors, or a majority of them shall assemble, and hereby are authorised to nominate and appoint, by instrument in writing under their hands, some other person, being an inhabitant and freeholder of the said county, in the place and room of him so dead, refusing to act or removing out of the county, which said commissioners so appointed, shall have and exercise all the same powers and authorities in all matters herein contained, as the person in whose room and stead he was so appointed, had and exercised. (Passed December 29, 1785.)

CHAPTER LXVI.

An Act to Amend an Act to Establish the Town of Morgan, and to Direct the Building a Court House and Prison in the Same for the District of Morgan.

Whereas agreeable to the above recited Act the lots fronting six rods on the main streets, are extended no more than twelve rods back, and it is represented that it would be more convenient and advantageous to extend the said lots twenty-four rods back.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all the lots fronting six rods on the main streets of said town, and no more, shall be extended twenty-four rods back. (Passed December 29, 1785.)

CHAPTER LXVII.

An Act to Amend an Act for Establishing a Town on the Land of Richard Evans by the Name of Martinborough, Passed at New Bern, 1771; Also to Amend Another Act to Amend the Before Recited Act, Passed at New Bern, in March, 1774.

Whereas by the before recited Act, no provision has been made to enable the commissioners to make titles to lots in the said town:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, it shall and may be lawful for the said commissioners or a majority of them and their successors, to give a deed or deeds, to any person or persons, their heirs and assigns, who have not had deeds for the lot or lots drawn for them, provided they can make it appear that they have paid the purchase money to the proprietors or treasurer of said town.

II. And be it further Enacted by the authority aforesaid, If any person or persons have had a lot or lots drawn for them, and the purchase money

has not been paid, and they, their heirs and assigns shall make application to the commissioners within four months after public notice is given, and pay the purchase money, and the interest from the time of drawing such lot or lots, then and in that case it shall and may be lawful for the commissioners of the said town to give a deed or deeds for such lot or lots in the same manner as deeds have heretofore been given. Provided nevertheless, that if any person or persons shall fail to make their claim within the time by this Act given them, then and in that case it shall and may be lawful for the said commissioners to sell all such lots at public vendue to the highest bidder, and shall pay to the proprietor his purchase money and interest, and in case any overplus shall be left, the commissioners shall and may lay it out for the use of said town, to purchase books, and clearing the streets and alleys.

III. And be it further Enacted by the authority aforesaid, That the commissioners of said town shall and may meet as often as a majority of them shall think proper, to make such rules and orders as they shall think needful for the benefit of said town, and may lay a tax on each taxable person being liable to pay taxes, and being an inhabitant of said town, a sum not exceeding eight shillings on each poll, and a sum not exceeding eight shillings on every hundred pounds value of town property; and the said commissioners shall at their first meeting after the passing of this Act, choose them a clerk and treasurer out of their own body, and when chosen, shall enter into bond with sufficient security, in the sum of five hundred pounds to the commissioners, for the faithful discharge of their trust, and shall keep a book for that purpose, and shall render a true and just account of all their proceedings whenever the said commissioners shall require it; and in case of neglect or refusal, it shall and may be lawful for the said commissioners or any three of them to cite the treasurer to appear at the next court to be held for the said county, they first giving him ten days previous notice in writing, and the court shall proceed as in other cases, any thing to the contrary notwithstanding; and the money arising from such suit shall be laid out for the benefit of the town.

IV. And be it further Enacted by the authority aforesaid, That the commissioners shall have full power to summons all the males, being inhabitants of said town and liable to work on roads, to work on the streets and alleys, not exceeding twelve days in any one year; which said inhabitants on failure or refusing to meet and work on the said streets and alleys, shall be liable to the same penalties and forfeitures which delinquents to work on roads are liable to.

V. And be it further Enacted by the authority aforesaid, That no person being an inhabitant of said town, shall be liable to work on roads for the future, for the service aforesaid.

Read three times, and ratified in General Assembly, the 29th day of December, Anno Domini, 1785.

ALEXANDER MARTIN, S. S.
RICHARD DOBBS SPAIGHT, S. C.

LAWS OF NORTH CAROLINA, 1786.

At a General Assembly, begun and held at Fayetteville on the eighteenth day of November, in the year of our Lord One Thousand Seven Hundred and Eighty-Six, and in the Eleventh Year of the Independence of the said State, being the first session of the said Assembly. *Richard Caswell, Esq.*, Governor.

CHAPTER I.

An Act for Raising Troops for the Protection of the Inhabitants of Davidson County.

Whereas the frequent acts of hostility committed by the Indians on the inhabitants of Davidson county for a considerable time past, renders it necessary that some measures should be taken for their protection:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That two hundred and one men shall be enlisted and formed into a military body, for the protection of the inhabitants of Davidson county, in such manner and form, and under such regulations and rules as are herein after mentioned; whose time of service shall continue for two years, commencing from the day of their first general rendezvous at the lower end of Clinch mountain, unless sooner disbanded by the General Assembly.

II. And be it further Enacted, That the said troops, when raised and embodied, shall be formed into three companies, each company consisting of sixty-seven men, and officered by one captain, one lieutenant, one ensign and four serjeants; the whole to be under the immediate command of one major: The major, captains, lieutenants and ensigns to be elected by joint ballot of both Houses of the General Assembly, and commissioned by his Excellency the Governor for the time being: The serjeants to be chosen and appointed by the commissioned officers, or a majority of them, being assembled for that purpose by the commanding officer.

III. And be it further Enacted, That each captain, lieutenant and ensign to be commissioned by virtue of this Act, shall upon the receipt of his commission, without delay, repair to such place as shall be directed by his commanding officer for the purpose of enlisting troops, and use his utmost diligence in so doing; and shall from time to time, and as often as possible, give information to his said commanding officer of the progress he shall have made in that business; and the said commanding officer, so soon as he shall discover that a sufficient number of troops have been raised, shall give intelligence thereof to his Excellency the Governor for the time being, who with the advice of the council of State, shall give orders for the marching the said troops from time to time, into the Cumberland settlements; and the present field officers of Davidson county are hereby authorised and required to give directions for the disposition of the said troops, into such proportions and at such places, as may be deemed most likely to intimidate the Indians, and prevent their incursions into the Cumberland settlements: But nevertheless the commanding officer of the said troops in cases of emergency, or when the situation of affairs or alteration of circumstances shall make it immediately necessary, may take such other measures, and make such other dispositions of the said troops, although not directed there-

to as aforesaid, as may be deemed most conducive to the safety of the inhabitants aforesaid.

IV. And be it further Enacted, That the said troops, when raised and entered upon service, shall be trained and disciplined according to such modes as the commanding officer shall judge most proper, to enable them to oppose the Indians in their manner of fighting with success; but shall be subject to the same rules with respect to their government, as were established in the time of the late war by the Congress of the United States, for the government of the continental army.

V. And be it further Enacted, That every able bodied man who shall be enlisted into the said service, and shall furnish himself with one good rifled or smooth bored gun fit for service, one good picker, shot-bag and powder horn, twelve good flints, one pound of good powder, and two pounds of good leaden bullets or buck-shot, suitable to his gun, shall be entitled to receive from this State on the first day of October, in each year of his service, one blanket, two pair of stockings, two pair of shoes, two shirts, two leather stocks, one good hunting shirt, one good woollen or fur hat of a middle size, one pair of buckskin breeches, and one waistcoat lined, to be provided and furnished by a clothier to be appointed by his Excellency the Governor for the time being; who shall be furnished in convenient time by the commanding officer of the said troops, with a certificate sworn to before some three or more justices of some county within this State, with the amount of the number of troops under his command, entitled to draw clothes according to this Act; which the said clothier shall present to the Governor for the time being, together with the whole amount of each article wanted for the troops, and thereupon his Excellency shall grant him a warrant on the treasury for a sum sufficient to purchase the said articles at a moderate rate, and to defray the expence of making them into suits, and removing them to the troops: And the said clothier shall purchase the said articles and cause them to be made up into suits, and delivered to the troops at the times aforesaid, taking a receipt from each soldier, attested by the captain of the company to which he may belong; for all which services, the said clothier shall be allowed by the General Assembly, on the settlement of his accounts, a sum not less than the amount of the yearly pay hereby appointed for a captain in the said troops.

VI. And be it further Enacted by the authority aforesaid, That the justices of the peace for the county of Davidson, or the major part of them, for that purpose assembled, shall be, and they are hereby authorised and required from time to time, so long as the said troops shall continue in service, to impose a tax on the inhabitants of Davidson, leviable in corn, pork, beef or other species of provision for the support of the said troops, to be collected at such times and places, by such ways and means, under such regulations, by such persons, and in such proportions as the said justices, or the major part of them, shall appoint and direct: And also, the said justices, or the major part of them, shall be empowered to appropriate the public money tax, leviable on the inhabitants aforesaid, (if need should be) to the purpose of defraying the expence of removing the provisions from the place or places of collection to the several stations of the troops; and the said justices, or the major part of them, shall appoint an officer to superintend the collection and removal of the provisions to the troops, who shall be entirely subject to the directions of the commanding officer, with respect to the place, time and quantity of provisions to be delivered, but to be accountable for his receipts to, and to be paid by the said justices, or the majority of them, out of the money tax aforesaid, and to be removable by

them at pleasure. And the collector or collectors of the several species of provisions before mentioned, shall give receipts to the several persons of whom they shall receive any of the before mentioned provisions, which receipts shall be received by the collectors of the public taxes, at such rates as shall be settled by the justices of the said county of Davidson or a majority of them, and they shall be proper vouchers for the said collector in the settlement of his accounts with the county treasurer, and also for the said county treasurer in the settlement of his accounts with the public treasurer, any law to the contrary notwithstanding.

VII. And be it further Enacted, That the officers of the said troops shall be allowed the same cloathing herein before allowed to the soldiery, to be furnished by the cloathier of the troops, for which he shall be entitled to a warrant on the treasury.

VIII. And be it further Enacted, That the officers and privates of the said troops shall be allowed the same pay and rations (spiritous liquors excepted) as are allowed to the militia officers and privates (regard being had to the ranks of officers) when in the actual service of this State: The payments to be made on the last day of each year's service, or within sixty days after their being disbanded.

IX. And be it further Enacted, That the same person who shall be appointed cloathier to the said troops, shall also act as paymaster to them, and shall at a convenient distance before each day of payment exhibit to his Excellency the Governor, a list signed by the commanding officer, countersigned by the captain or commanding officer of each company, and sworn to before some justice of the peace, specifying the number of troops then in service entitled to draw pay, and the day from which each man's pay commenced, and all such as shall have died in the service, with the amount of the sums due at their death, and the total sum due the troops. And the said paymaster shall thereupon obtain a draft on the treasury for such total sum, and shall proceed to the distribution thereof, taking a receipt from each man of the sum paid, attested by the captain of the company.

X. And be it further Enacted, That the captain or commanding officer of each company shall monthly make out a pay-roll of his company, which he shall swear to and sign, and the same be countersigned by the commanding officer of the troops, which shall be transmitted to the treasurer of this State in order to make settlement with the paymaster of the said troops.

XI. And be it further Enacted, That the said cloathier and paymaster, before entering on the exercise of his office, shall give bond with sufficient security, in such sum as his Excellency the Governor for the time being shall direct, for the due application of all monies to be received by him according to the directions of this Act, and for the faithful accounting for the same before each General Assembly that shall happen in this State during the continuance of the said troops in service, and also before the General Assembly that shall happen next after the determination of the said service, unless his accounts should be then fully settled and balanced.

XII. And be it further Enacted, That the person to be appointed cloathier and paymaster by virtue of this Act, shall provide and furnish the said troops from time to time with such quantities of lead and gun-powder, as shall be required by the commanding officer of the troops; and to that end shall be enabled to draw on the sheriff of Davidson county for all such sums of money belonging to the public that shall happen to be in his hands, as shall be necessary for that purpose.

XIII. And be it further Enacted, That every private to be raised by virtue of this Act, shall be allowed four hundred acres of land to be laid off and allotted in some part of this State west of the Cumberland mountain, in full satisfaction of the half of the first year's pay that shall be due; and in the same proportion for the time that he shall serve over and above one year, in full satisfaction of one half of the pay that shall be due him for such further service. And also the commanding officer of the troops shall be allowed two thousand acres of land, to be allotted as aforesaid, in full satisfaction of half the pay that shall be due him for the first year's service, and in the same proportion for any service over and above the term of one year that he shall perform; and the other officers belonging to the said troops, in like manner shall receive satisfaction for the one half of the pay that shall be due them, in lands in proportion to the quantum of pay that each officer shall be entitled to for the first half year's pay, whenever a proper board shall be appointed for the adjustment of their accounts.

XIV. And be it further Enacted, That if any twenty-five of the said troops shall furnish themselves, each man with a good horse fit for service, four feet eight inches high at the least, and not exceeding nine years of age, with a good saddle and bridle, and one good rifled or smooth bored gun, they shall be formed into a company of cavalry, to be commanded by such officers as a majority of the commissioned officers belonging to the said troops assembled for that purpose shall direct and appoint, and be allowed the same pay and rations (spiritous liquors excepted) as other militia light-horse when in actual service.

XV. And be it further Enacted, That the said troops, when assembled at the lower end of Clinch mountain as aforesaid, shall cut and clear a road from thence the nearest, most direct and convenient way to the town of Nashville on Cumberland river, making the same ten feet wide at the least, and fit for the passage of waggons and carts.

XVI. And be it further Enacted, That his Excellency the Governor shall appoint a commissary or contractor, whose duty it shall be to furnish the troops with the necessary rations on their march to the Cumberland settlement, and with fifteen axes for each company, and grant him a warrant on the treasury for such a sum of money as will enable him to comply with the same; who before he enters on the execution of his appointment shall enter into bond with sufficient security to the Governor for the time being, for the faithful accounting for all such money as he may have received.

XVII. And be it further Enacted by the authority aforesaid, That the monies arising from the tax on the lands lying west of the Apalachian Mountains, be and they are hereby appropriated to the purpose of discharging the expence of raising, cloathing, arming and supporting the troops embodied in pursuance of this Act. Provided nevertheless, That the surplus of such monies if any, shall be carried to the contingent fund.

XVIII. And be it further Enacted, That in all returns of taxable property made by the receivers of lists and clerks of courts, they shall particularly specify the lands situate west of the Apalachian mountains, that the neat produce of the revenue arising therefrom may be ascertained. (Passed Jan. 6, 1787.)

CHAPTER II.

An Act to Bring to Condign Punishment and to Secure Their Estates so as to be Answerable to the Public the Persons Therein Described, Accused of Certain Crimes and Fraudulent Practices, and to Indemnify Such Persons as Have Acted in Pursuance to Certain Resolutions of this Assembly From Vexatious Suits and Prosecutions, and to Establish a Board for the Detection and Further Discovery of the Said Fraudulent Practices and for Settling and Liquidating the Accounts of the Officers and Soldiers of the Continental Line.

Whereas divers persons have contrived and carried on many notorious fraudulent and indirect practices, under divers pretences, and under the colour of an Act passed at New Bern, in the year 1785, entitled, "An Act to impower commissioners to liquidate the accounts of the officers and soldiers of the continental line of this State, and revive the late board of auditors for a limited time;" and also of one other Act, entitled, "An Act for emitting one hundred thousand pounds paper currency, for the purpose therein expressed," to the great detriment of the public, to the manifest wrong of great numbers of the citizens of this State, and contrary to the intention of the said Act, to the great loss of the State, in breach of the great trusts in them reposed, and with a view to their own exhorbitant profit, have confederated and combined together in pernicious practices, and have been guilty of the most dangerous and infamous corruptions, to the ruin, of public credit: Now, to the end of rendering all such persons as aforesaid, for their many frauds, deceits and corruptions, amenable to law, and their estates liable to justice:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the judges of law, or any of them, are hereby impowered and required to hold a court of sessions of the peace, oyer and terminer and general gaol delivery, for the trial of all such persons who shall be charged with the having been concerned in the frauds aforesaid, or any of them; which court shall be held at Warrenton, in the district of Halifax, on the last Monday in January, and shall continue to set for the term of twenty days, Sundays excluded, unless the business shall be sooner finished; and such court so constituted, shall have the same powers and authorities, and the jurors summoned thereunto, shall be under the same rules, regulations and restrictions as if the said court had been called in the town of Halifax; and shall be paid out of the public treasury upon producing their certificates to the treasurer; and the said judges shall have and exercise the same powers, jurisdiction and authority, as the judges of the superior court have heretofore done when acting under a commission of oyer and terminer and general gaol delivery to them duly and legally issued.

II. And be it further Enacted by the authority aforesaid, That the sheriffs of the several counties of the district of Halifax, do forthwith and without delay summon jurors to attend the said court of oyer and terminer, that is to say, the same number of jurors for the several counties respectively as by law are directed to be summoned to attend the superior court of the district of Halifax, to be nominated by the justices to be summoned by the sheriff of each county within the said district, which nomination shall not be by a smaller number than five of the said justices in each county.

III. And be it further Enacted, That the sheriff of each of the said counties, shall and are hereby respectively required to summon the said justices to meet for the purpose aforesaid, on the third Tuesday of January.

IV. And be it further Enacted, That the judge or judges who shall hold the said court, may if the same should be thought proper and necessary, adjourn all proceedings before him or them, to the next succeeding court of the district or county, as the case may be, where such offences may be cognizable; and bind all persons accused before them and not tried before the expiration of the said term, and all witnesses necessary to be produced in behalf of the State, to appear before such court at the said next meeting.

V. And be it further Enacted, That the several persons charged before the said court of oyer and terminer, by presentment or indictment, or thereat convicted, shall enter into bond with good and sufficient sureties before the judge or judges of the said court, in double the amount of the due-bills drawn by such persons respectively out of the office of the commissioners of army accounts, that they will not transport their property out of this State, or leave this State for the space of twelve months and till the end of the next session of Assembly.

VI. And be it further Enacted, That no prosecution which shall be begun in consequence of and by virtue of this Act shall abate or be discontinued, for or by reason of the offences charged having been committed in any other district, than that in which such court of oyer and terminer shall be held.

VII. And be it further Enacted by the authority aforesaid, That any person or persons failing or neglecting to enter into recognizance as aforesaid, may be committed to any gaol of the State without bail or mainprize, and their property sequestered as a security to the public.

VIII. And be it further Enacted by the authority aforesaid, That if any such person or persons shall depart the State, or having been committed to prison shall escape therefrom, he or they, together with any person or persons aiding and assisting such departure or escape, shall be held and deemed guilty of felony, and his or their estate forfeited to the use of the public, and shall suffer death without benefit of clergy.

IX. And be it further Enacted by the authority aforesaid, That each and every of the persons aforesaid, shall on or before the last day of the court of oyer and terminer by this Act appointed, deliver upon oath to the judge or judges of the said court, an inventory of all their estate real and personal, of which they were possessed on the first day of November, in the year one thousand seven hundred and eighty-five, or at any time since, as also an account of such estate as they have aliened or disposed of since that day; and any person or persons aforesaid failing to render the said inventories and accounts, or shall knowingly make a false return of his or their property as aforesaid, in order to conceal the same, he or they on conviction thereof shall be held and deemed guilty of felony, and his or their estate forfeited to the use of the public.

X. And be it further Enacted by the authority aforesaid, That each and every of the persons aforesaid shall, until the end of the next General Assembly, be held and deemed incapable in law of alienating or disposing of any of their estates real or personal in any manner whatever.

And whereas the enormity of the fraudulent and corrupt practices of the persons aforesaid, and the security of the State, have rendered proceedings in order to bring them and others suspected of the same offences to justice, and to prevent the concealment of their estates and alienation thereof, which although they may not have been strictly legal, were yet absolutely necessary for the public safety:

XI. Be it therefore Enacted by the authority aforesaid, That all persons who have acted pursuant to any resolve of this General Assembly, or order of the Governor of this State, in order to apprehend any person or persons

suspected of the fraudulent and corrupt practices aforesaid, and to sequester the real and personal estates of any person or persons so suspected to be rendered liable to justice, they and each of them are hereby fully indemnified against all suits and prosecutions of whatever nature for any act or acts so by them committed.

And for the better discovering and more effectually detecting the frauds which have been committed in the settlement of the said army accounts:

XII. Be it further Enacted by the authority aforesaid, That three persons to be appointed by joint ballot of both Houses of the General Assembly, be and they are hereby constituted a board, who, or any two of them, shall examine the books, vouchers and proceedings of the board for settling and liquidating the remainder of the accounts of the officers and soldiers of the continental line belonging to this State, as far as such books, papers, accounts and vouchers, relate to the proceedings of the said board, in the year one thousand seven hundred and eighty-six, appointed by an Act as before recited: And the said board or any two of them are hereby declared to possess full power and authority to investigate the said frauds, examine the said books and accounts, and determine what accounts were unjustly and unlawfully settled, and what monies and certificates were procured from the State on such settlements by fraud and imposition.

And the better to enable the said board to investigate and discover the frauds and impositions which have taken place:

XIII. Be it further Enacted by the authority aforesaid, That the Governor be and he is hereby required to direct the delegates from this State to make application to the United States in Congress, for all the muster-rolls of the continental line of this State returned to the war-office or the paymaster-general, and the faith of this State is hereby solemnly pledged for the security and safe return of the same.

XIV. And be it further Enacted by the authority aforesaid, That the commissioners appointed by this Act, shall as soon as they have examined the said books, vouchers and accounts, make return to the comptroller of this State of such accounts as shall appear on such investigation to have been justly settled, and the claimant rightfully entitled thereto, and where a claimant may have procured a certificate or due-bill for a larger sum than he was justly and legally entitled to, the said board are hereby invested with full powers, to settle the account or claim of such officer or soldier, and return the true balance that may be due in the same manner to the comptroller, who is hereby required to issue a certificate for the same agreeable to the said returns, which returns shall relate to the certificate part of such pay due to such officer and soldier, and shall be delivered by the comptroller to such officer or soldier, or their agents, attorneys, executors, administrators or assigns, who may be authorized to received the same, and all the certificates issued by the said board for settling and liquidating the remainder of the accounts due officers and soldiers of the continental line of this State under the said Act, entitled, "An Act to impower commissioners to liquidate the accounts of the officers and soldiers of the continental line of this State, and to revive the late boards of auditors for a limited time," passed at New Bern, in the year one thousand seven hundred and eighty-five, are hereby declared null and void, and shall not be received in payment of taxes or any other public demand whatever. And that justice may be done as speedily as possible, the commissioners appointed by this Act are hereby required to make return to the attorney general of all such persons as have by fraud, imposition or otherwise wrongfully and unjustly procured due-bills, or drawn or procured to be drawn monies out of the treasury of

this State, in consequence of the settlements made by the commissioners appointed in the said Act, passed at New Bern, in the year one thousand seven hundred and eighty-five, as soon as such frauds shall be by them discovered and ascertained, and the certificate of the said board relative to such frauds, is hereby declared legal testimony in any court of law or equity in this State, and the attorney-general is hereby required to bring suit without delay, for the recovery of such monies, in any court of record having cognizance thereof, which suits shall be tried the first court the same is set for trial, without regard to any other suit or suits that may have been docqueted before it.

XV. And be it further Enacted, That no suit shall abate for or by reason of the cause of action having arisen in any other district, or by reason of one or more of the parties being residents of any other districts, but such suits shall be had and maintained as if the cause of action had originated in the said district, and the party or parties against whom suit was brought had been resident within the said district, any law, usage or custom to the contrary notwithstanding.

XVI. And be it further Enacted by the authority aforesaid, That the books of accounts of the treasurer, as well as of the auditors for liquidating army accounts, the continental muster-rolls and authenticated copies thereof, shall be held and deemed legal evidence in any prosecution or suit which may be had in consequence of this Act.

XVII. Be it Enacted by the General Assembly, and by the authority of the same, That the treasurer of this State and the comptrollers attend, and they are hereby required to attend the said court of oyer and terminer, and to carry with them, ready to be produced in evidence when the attorney-general shall require the same, all books of accounts, certificates, vouchers, claims, accounts, due-bills, orders, and all and singular other writings which relate to the conduct of the treasury office, or the office of commissioners for the settlement of army accounts, so far as they relate to the conduct of the late treasurer; and the said commissioners and all others on the passing or payment of the said claims, and all other matters relating to the frauds heretofore set forth.

XVIII. Be it Enacted also, That the attorney general shall be allowed five pounds per day, for attending the said court, and forty shillings for every day he shall be going to or returning from the same. That each and every judge who shall attend the said court be allowed five pounds per day for his attendance on the said court, and forty shillings for every day he shall be going to or returning from the same.

XIX. And be it further Enacted, That each of the commissioners hereby directed to be appointed, shall be allowed thirty-two shillings for every day they shall be attending on the board on the public business.

XX. And be it further Enacted, That each of the said commissioners before entering on the duties of his office, shall enter into bond before some county court, with good and sufficient security, in the sum of ten thousand pounds, payable to the Governor for the time being for the use of the State, for the faithful and honest discharge of the duties of his said office; which bond shall be entered of record and transmitted to the Governor by the clerk of such court; and shall also take the following oath before the judge or judges who shall hold the said court of oyer and terminer, to wit, "I do solemnly swear, that in all things pertaining to my office as a commissioner of the board for examining the proceedings of the late commissioners of army accounts, as directed by the Act which constitutes the said first men-

tioned board, I will truly, honestly and impartially do and execute my duty." (Passed Jan. 4, 1787.)

CHAPTER III.

An Act for Appointing Deputies From This State, to a Convention Proposed to Be Held in the City of Philadelphia, in May Next, for the Purpose of Revising the Federal Constitution.

Whereas in the formation of the foederal compact which frames the bond of union of the American States, it was not possible in the infant state of our republics to devise a system which in the course of time and experience would not manifest imperfections that it would be necessary to reform. And whereas the limited powers which by the articles of confederation are vested in the Congress of the United States, have been found far inadequate to the enlarged purposes which they were intended to produce. And whereas Congress hath by repeated and most urgent representations, endeavoured to awaken this and the other States of the union, to a sense of the truly critical and alarming situation into which they must be unavoidably cast, unless measures are forthwith taken to enlarge the powers of Congress, that they may thereby be enabled to avert the dangers which threaten our existence as a free and independent people. And whereas this State hath been ever desirous to act upon the enlarged system of the general good of the United States, without bounding its views to the narrow and selfish object of partial convenience, and has been at all times ready to make every concession to the safety and happiness of the whole, which justice and sound policy could vindicate:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That five commissioners be appointed by joint ballot of both Houses of Assembly, who, or any three of them, are hereby authorised as deputies from this State, to meet at Philadelphia on the first day of May next, then and there to meet and confer with such deputies as may be appointed by the other States for similar purposes, and with them to discuss and decide upon the most effectual means to remove the defects of our foederal union, and to procure the enlarged purposes which it was intended to effect, and that they report such an Act to the General Assembly of this State, as when agreed to by them, will effectually provide for the same.

II. And be it further Enacted, That in case of the death or resignation of any of the said deputies, or of their declining their appointments, his Excellency the Governor for the time being, is hereby authorised to supply such vacancies, and the Governor is required to transmit forthwith a copy of this Act to the United States in Congress assembled, and to the executives of each of the States in the union. (Passed Jan. 6, 1787.)

CHAPTER IV.

An Act to Make the Securities Therein Named Negotiable.

Whereas it would contribute to the convenience of merchants, traders and other inhabitants, in the interchange of property, which traffick makes necessary, that bills, bonds and notes, as well those with as those without seal, should be made negotiable:

I. Be it therefore Enacted by the General Assembly of the State of North

Carolina, and it is hereby Enacted by the authority of the same, That all bills, bonds or notes for money, as well those with seal as those without seal, those which are not expresed to be payable to order or for value received, as those which are expressed to be payable to order and for value received, shall after the passing of this Act be held and deemed to be negotiable, and all interest and property therein shall be transferable by endorsement, in the same manner, and under the same rules, regulations and restrictions, as notes called promissory or negotiable notes have heretofore been: And the indorsee or assignee may have and maintain his action of the case for the recovery of the monies due him upon such bill, bond or note, notwithstanding any seal thereunto annexted, in his the said indorsee's or assignee's own proper name, as suits have been heretofore had and maintained by endorsees or assignees of notes called promissory or negotiable.

II. And be it further Enacted by the authority aforesaid, That executors and administrators, in the payment of the debts of their testators and intestates, shall hereafter hold and consider debts due upon bills, bonds and promissory notes, whether with or without seal, and all settled and liquidated accounts signed by the debtor, as of equal dignity, and shall pay the same accordingly: Provided always, That executors and administrators shall in all other respects, except as aforesaid, have the same right of preference in the payment of creditors, which they have heretofore had and held under the laws then in force.

III. And be it further Enacted by the authority aforesaid, That all bonds, bills, notes, bills of exchange, liquidated and settled accounts, shall bear interest from the time they become due, provided that such liquidated and settled accounts shall be signed by the debtor, unless it shall be specially expressed that interest is not to accrue until a time specially mentioned in the said writings or securities: Provided also, That this Act shall not extend to, or have any operation with respect to any bonds, bills, notes, bills of exchange, liquidated or settled accounts heretofore given or made.

IV. And be it further Enacted by the authority aforesaid, That all bills, bonds and notes made payable on demand, shall be held and deemed to be due on demand made by the creditor, his agent or attorney, by suit or request, and shall bear interest accordingly.

V. And be it further Enacted, That all securities for the payment or delivery of tobacco, and all other specific articles, shall bear interest as monied contracts, that is to say, the articles shall be rated by a jury at the time they become due, and interest be paid by the debtors accordingly.

Provided always, The Act of limitation of this State shall apply to all bonds, bills and other securities hereafter executed, made transferable by this Act after the assignment or endorsement thereof, in the same manner as it operates by law against promissory notes: And provided also, That this Act shall not be in force until the first day of May next. (Passed Jan. 6, 1787.)

CHAPTER V.

An Act to Impose a Duty on all Slaves Brought Into This State by Land or Water.

Whereas the importation of slaves into this State is productive of evil consequences, and highly impolitic:

I. Be it therefore Enacted by the General Assembly of the State of North

Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, a duty of fifty shillings per head on all slaves under seven and over forty years of age, and a duty of five pounds per head on all slaves between the ages of seven and twelve years, and between the ages of thirty and forty years, and a duty of ten pounds per head on all slaves of twelve years and upwards to the age of thirty years, shall be collected by the collectors of the different ports in this State, on all slaves brought into any of the said ports; which duty shall be collected and accounted for in the same manner, and under the same regulations as are prescribed for collecting and accounting for the duties on goods, wares and merchandize, &c. imported into this State.

II. And be it further Enacted by the authority aforesaid, That if any slave or slaves shall be brought into this State by land, except as herein after excepted, the person or persons who shall have the care of the same or claim thereto, shall within ten days after his or their arrival within the State, make faithful return of the number of slaves so brought into the State, to the clerk of the court of the county where he may be, and shall swear to and subscribe the said return or list, as just and true, and shall pay into the hands of the clerk the aforesaid duties for each and every slave, for the use of the State, or give bond and sufficient security for the payment of the said sum in three months after such return is made; and upon failing to perform the condition of the said bond, the clerk is hereby directed at the first court which may be held after the said bond is due, to enter up final judgment thereon, and the court is hereby directed to award execution.

III. And be it further Enacted, That the clerks of each court respectively, shall annually account with the treasurer on oath, for all the duties they may receive in virtue of this Act, under the same pains and penalties as they are liable to for failing to account for other public monies.

IV. And be it further Enacted by the authority aforesaid, That if any person or persons who may bring slaves hereafter into this State by land, shall fail or neglect to comply with the directions of this Act, in making return of the same on oath as is by this Act directed, he shall forfeit and pay the sum of one hundred pounds for each slave so brought in and not accounted for, to be recovered in any court of record within this State, one half to the person who shall sue for the same, and the other half to the use of the State; and shall be moreover liable to pay the aforementioned duty on each slave, in manner as is before prescribed: Provided nevertheless, That nothing in this Act shall be construed to compel any person or persons who may remove to this State with their families and property, in order to become citizens thereof, to pay the aforesaid duty on any slave or slaves belonging to them; but in such case the person or persons bringing such slave or slaves into this State, shall, before some justice of the peace of the county in which he or she may be, take the following oath: "I, A. B. do swear that the slaves brought by me into this State are for my own service, and that I have not brought them into this State with intention to sell or dispose of them, or to evade the payment of the duties imposed on slaves brought into this State by land or water. So help me God." And provided also, That this duty shall not be imposed or collected on any slaves which may become the property of any of the citizens of this State by gift, devise, marriage, or descent, or any which are now the property of any of the said citizens, and taken by the British in the late war, and which may be within any of the United States or elsewhere.

V. Be it Enacted, That a tax of five pounds per head shall be levied and

collected by the collectors of the different ports within this State, upon all slaves imported therein from the coast of Africa, and which have not been more than one month in any other port or place after leaving the said coast; provided, That no slave born on the passage shall be subject to this tax.

VI. And be it further Enacted, That every person who shall introduce into this State any slave or slaves after the passing hereof, from any of the United States which have passed laws for the liberation of slaves, shall on complaint thereof before any justice of the peace, be compelled by such justice to enter into bond with sufficient surety in the sum of fifty pounds current money for each slave, for the removing of such slave or slaves to the State from whence such slave or slaves were brought, within three months thereafter, the penalty whereof shall be recovered, one half for the use of the State, the other for the use of the prosecutor, on failure of a compliance therewith; and the person introducing such slaves shall also in case of such failure, forfeit and pay the sum of one hundred pounds, to be recovered by any person suing for the same, and applied to his own use.

VII. And be it Enacted by the authority aforesaid, That all slaves brought into this State, unless in vessels which enter with the collectors of duties in some of the ports in this State, shall be considered as having been brought in by land, and liable to the same fines, penalties and duties, as is directed by this Act; provided, That nothing herein contained shall be construed so as to impose the aforesaid duty or forfeiture on any slave or slaves who may pass through this State to any other State, under the direction of their owners.

VIII. And be it further Enacted by the authority aforesaid, That this Act shall not be in force or take effect, before the first day of February next.

IX. And be it further Enacted, That all laws and clauses of laws which come within the meaning of this Act, as far forth as they respect a duty or imposition on slaves imported or brought into this State by land or water, are hereby repealed and made void. (Passed Jan. 6, 1787.)

CHAPTER VI.

An Act to Amend an Act, Entitled, "An Act to Secure and Quiet in Their Possessions all Such Persons, Their Heirs and Assigns, Who Have Purchased or may Hereafter Purchase Lands and Tenements, Goods and Chattels, which Have Been Sold or May Hereafter Be Sold by the Commissioners of Forfeited Estates Legally Appointed for That Purpose.

Whereas doubts have arisen whether the citizens of this State, claiming property by any title whatsoever, which had been seized and sold by the commissioners appointed to sell the confiscated property, were enabled to claim, or commence and prosecute a suit or suits in any of the courts of law in this State for the aforesaid property, by reason of the aforementioned Act:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the citizens of this State are hereby declared to possess and enjoy the right and privileges to commence, prosecute and maintain any suit or suits in any of the courts of law or equity within this State, for any real or personal estate sold by any of the commissioners of forfeited estates: Pro-

vided the said citizens do not hold or derive their titles, by, from or under any person or persons named or described by some one of the laws commonly called the Confiscation Laws.

II. And be it further Enacted by the authority aforesaid, That in case any real estate should be deemed by a commissioner of confiscated property to be forfeited, and should be claimed by any citizen or citizens as not liable to confiscation, such commissioner shall not proceed to the sale thereof, but shall commence a suit for the recovery of such estate in the same manner as by law directed for the recovery of personal property withheld from him: And such suits shall be instituted in his name as commissioner of his own particular district for and on behalf of the State, and the same proceedings shall be had thereon as in other suits of the like nature. (Passed Jan. 6, 1787.)

CHAPTER VII.

An Act to Alter the Mode of Punishing Horse Stealing; Also to Repeal an Act, Entitled, "An Act to Prevent Horse Stealing."

Whereas it is inconsistent with the policy of a well regulated government, that the crime of horse stealing should be subjected to a punishment as that which is inflicted for the most atrocious offence of which human nature is capable: And whereas from the punishment in its nature and gradation bearing no proportion to the guilt, the persons injured, from compassion forbear to prosecute, juries from the same motive too often acquit, and if convictions are had, pardons are extended to the guilty, whereby the present mode of punishment is found inadequate to the evil:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That if any person or persons from and after the first day of February next, shall feloniously steal or take any horse, mare or gelding of the property of any other person or persons, or of this State, or the United States of America, and shall be thereof convicted, every such person or persons so offending, for the first offence shall stand in the pillory one hour, and shall be publicly whipped on his, her or their bare backs with thirty-nine lashes well laid on, and at the same time shall have both of his, her or their ears nailed to the pillory and cut off and shall be branded on the right cheek with the letter H of the length of three-quarters of an inch and of the breadth of half an inch, and on the left cheek with the letter T of the same dimensions as the letter H in a plain and visible manner; and for the second offence shall suffer death without benefit of clergy.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, no person charged with stealing any horse, mare or gelding on the direct testimony of one witness or more, shall be admitted to bail.

III. And be it further Enacted, That all Acts and laws which are contradictory to or inconsistent with this Act, are hereby repealed and made void.

IV. And be it further Enacted, That the above recited Act, entitled, "An Act to prevent horse stealing," passed at New Bern, in October in the year 1784, shall be and the same is hereby repealed. (Passed Jan. 6, 1787.)

CHAPTER VIII.

An Act for the Support of Government, and for Appropriating the Revenues of the State.

Whereas it is proper that those who dedicate their time and abilities to the service of the public ought to be recompenced for the same:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the following annual salaries to be discharged in half yearly payments, and the following daily allowances, shall be the recompences of the several officers of this State hereafter named, that is to say:

No. 1. To his Excellency the Governor seven hundred and fifty pounds.

No. 2. To the Secretary of State one hundred pounds, in full consideration of all services and expences incidental to his office, except such for which he is expressly allowed fees by law.

No. 3. To the Private Secretary one hundred pounds, as a full recompence for all the duties which the said Secretary by law or custom is obliged to perform.

No. 4. To each Judge of the Superior Court of Law and Equity in this State, fifty pounds for each court he shall attend.

No. 5. To the Attorney-General of this State forty pounds for each court he shall attend.

No. 6. To the Comptroller five hundred pounds for all services incidental to his office.

No. 7. To the Treasurer five hundred pounds.

No. 8. To the Public Printer six hundred pounds.

II. And be it further Enacted by the authority aforesaid, That the following monthly and daily allowances shall be paid to the persons hereinafter mentioned, to wit:

1. To each of the Delegates of this State in the honourable the Congress of the United States of America, the sum of sixty-four pounds for every month he shall be attending the duty of his office, or travelling to and from Congress.

2. To each of the Members of the Council of State for each day's attendance twenty shillings.

3. To the Clerk of the Council for each day he is employed the sum of twenty shillings.

4. To the Door-keeper of the Council of State for each day he is employed eight shillings. And the said annual salaries shall be paid as aforesaid in half yearly instalments, on warrants drawn by the Governor, bearing date the last day of June for the first payment, and the last day of December for the second, unless otherwise specially provided in this Act.

And whereas it is necesary to provide an adequate fund for the payment and punctual discharge of the said salaries and allowances:

III. Be it Enacted by the authority aforesaid, That all and singular the monies which shall arise and be received from the tax on polls, levied by virtue of an Act, entitled, "An Act for levying a tax for the support of government and for the redemption of old paper currency, specie and other certificates," passed at New Bern, in November, in the year 1785, and all and singular the monies which shall hereafter be levied and collected annually on a poll-tax in pursuance of a general law for that purpose, shall and the same is hereby appropriated as a fund for the regular payment of the said salaries, wages and allowances, and for the payment and recompence of all such officers of government as shall or may hereafter be put

on the civil list of this State, and so shall remain, continue and be applied, and to no other use or purpose whatsoever; any law, usage or custom to the contrary notwithstanding: Provided nevertheless, That the surplus of such monies arising from the said tax which may remain in the treasury after the payment of the civil list charges of the current year, shall and may be placed to the contingent fund, and applied accordingly.

And whereas the United States in Congress assembled have recommended to the several States to establish substantial revenues adequate to the punctual and honourable discharge of their respective quotas of the interest and principal of the foreign loans:

IV. Be it therefore Enacted by the authority aforesaid, That all and singular the monies which shall hereafter arise from and be collected by virtue of an Act made and passed at Hillsborough, anno domini 1784, entitled, "An Act for levying certain duties therein mentioned on all foreign merchandize imported into this State, in aid of the public finances, and directing the mode of collecting the same," and also one other Act passed at New Bern in the same year, entitled, "An Act to amend the said Act," and also by virtue and in pursuance of an Act passed at New Bern, anno domini 1785, entitled, "An Act for the regulation of commerce," and all the monies arising from the duties imposed on goods imported by merchants into this State by land, and collected in pursuance of an Act, entitled, "An Act for raising a public revenue for the support of Government, and to repeal an Act entitled, "An Act to suppress excessive gaming," and all the monies which may become due for duties on goods or merchandize of any kind hereafter imported into this State by land or water, and all the tonnage on foreign bottoms as far as the same shall or may be considered as a duty or duties imposed for the purpose of revenue, and all the monies which shall arise and be collected from the tax laid on lands and collected in pursuance of an Act, entitled, "An Act for levying a tax for the support of government, and for the redemption of continental money, old paper currency, specie and other certificates," passed at New Bern, anno domini 1785, and all the monies which shall hereafter be received and collected from the tax usually called the land tax in this State, laid and levied in pursuance of any general law for the purpose of public revenue, be, and the said revenues and sources of revenue are hereby severally and respectively appropriated for and towards a fund for the punctual and regular discharge of this State's estimated quota of the principal and interest of the foreign loans, and so shall remain and continue to be paid and applied yearly and every year, until the final extinction of the said debts, in the manner directed by an Act passed this session, entitled, "An Act for amending an Act, entitled, An Act for emitting one hundred thousand pounds for the purposes therein mentioned, and for appropriating the tobacco lately purchased by the commissioners, to discharge the interest of this State's quota of the foreign debt, and for making effectual provision for the future discharge of this State's quota of the principal and interest of the foreign debt," and as the General Assembly shall hereafter direct, and to no other use, intent or purpose whatsoever; any former or other appropriation thereof, or of any part thereof, or any law, usage or custom to the contrary notwithstanding.

V. And be it further Enacted by the authority aforesaid, That the remaining revenues and sources of revenue shall be considered as the contingent fund, to be applied to the incidental charges and exigencies of government.

VI. And be it further Enacted, That eight month's allowance accord-

ing to the rates herein before established, shall be paid to each delegate, at least two months before his setting out for Congress. (Passed Jan. 6. 1787.)

CHAPTER IX.

An Act to Amend an Act for Dividing Guilford County.

Whereas the place fixed on by the commissioners for erecting the public buildings in the county of Rockingham, is not near the centre, as appears by an accurate survey thereof, by which means many of the inhabitants are put to an unnecessary expence and trouble in attending general musters, elections and other public meetings therein, and it having been represented to this Assembly, that erecting the said buildings in the centre of the said county, would give general satisfaction to the said inhabitants, and the proprietor of such land so lying in the centre, having assented thereto.

I. Be it Enacted by the General Asembly, and it is hereby Enacted by the authority of the same, That the court house, prison and stocks for the said county of Rockingham, shall be erected and built on the lands of Charles Mitchell, on the east side of Big Rock House creek; and that Samuel Henderson, John Reagan, Richard Marr, Peter O'Neal and Thomas Massey, Esquires, be and they are hereby appointed commissioners for erecting the said buildings in lieu of those appointed by the aforesaid Act; which said commissioners, appointed by this Act, are hereby vested with the same powers and authorities, and subject to the same pains and penalties as those heretofore appointed, and the said commissioners are hereby authorized and empowered to contract for one or more acres of land for the purpose of erecting the public buildings on, and they are hereby authorized and required to receive a deed or deeds conveying the said lands so purchased by them, to the justices of the said county of Rockingham, and their successors in trust for the said county. (Passed Jan. 1, 1787.)

CHAPTER X.

An Act to Amend an Act, Entitled, "An Act for the More Regular Collecting, Payment of, and Accounting for the Public Taxes," and for Laying Certain Duties Therein Mentioned.

Whereas in some of the counties collectors have not been appointed, and in others when appointed have failed to perform the duties required of them by law, by which means the taxes in such counties remain unpaid, and the intentions of the General Assembly respecting revenue are in a great measure defeated: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, whatever county court shall fail or neglect to appoint collectors in their respective counties, it shall be the duty of the sheriffs of such counties to collect the public taxes and be accountable for the same, and for such services shall have the same allowance as is allowed by law to the collectors for the same service.

II. And be it Enacted by the authority aforesaid, That from and after the passing of this Act it shall be the duty of the sheriffs to serve the collectors appointed by the county courts with a copy of their appointments, and in case of the refusal or neglect of them or any of them to act, they

shall immediately signify their refusal under their hands on the back of the order in writing; which order the sheriff shall return to the clerk, in which case it shall be the duty of the sheriffs to collect the taxes in such district or districts for which the collector or collectors so refusing or neglecting to act were appointed, and for such services they shall have the same allowance as is allowed to the collectors by law.

III. And be it further Enacted by the authority aforesaid, That the clerk of each and every county court within this State, shall and they and every of them are hereby required to transmit to the comptroller at his office, on or before the first day of June in each any every year, attested copies of the amount of taxable property and polls subject to pay a public tax for the preceding year, setting forth in such return the quantity of each species of property subject to be taxed as aforesaid, and the number of polls within his county.

IV. And be it further Enacted, That the clerk of each and every of the superior and county courts, shall and they are hereby required, at the time for making returns of the amount of taxable property aforesaid, to render unto the comptroller an account of the fines, forfeitures and amercements that are due and payable for the use of the State, and if no such fines and forfeitures have been recovered in any of the said courts, the judge or three of the justices (as the case may be) of such court shall certify the same: And at the same time the said clerks shall and they are hereby required to transmit to the said comptroller, copies of the settlements of the commissioners of confiscated property for their respective counties; and for each and every of the aforesaid returns made and transmitted by such clerk, he shall be allowed the sum of eight shillings, to be paid out of the county tax, on his producing the comptroller's receipt therefor.

V. And be it Enacted by the authority aforesaid, That the clerk of each and every county court within this State, shall enter into bond with sufficient securities for the due and faithful discharge of the aforesaid duties, in the sum of one thousand pounds; which bond shall be transmitted to the comptroller by the chairman of the court, under the penalty of one hundred pounds, to be sued for and recovered by the comptrollers of the State, by action on the case in any court of record having cognizance of the same, for the use of the State; and the comptroller shall and may enter judgment on the said bond in case of failure or neglect after notice given in the manner of entering up judgment against county treasurers.

VI. And be it Enacted by the authority aforesaid, That it shall be the duty of the comptroller to open an account against the public treasurer agreeable to the returns he shall receive, distinguishing the money from the certificate tax; and it shall be the duty of the public treasurer to settle with the comptroller on or before the second Monday in November in each year, and the treasurer and comptroller shall each lay before the General Assembly that may meet subsequent to their settlement their accounts for the inspection of the Assembly.

And whereas the tax, called the continental tax, which was ordered to be collected for the year 1785, hath not been collected in many of the counties within this State owing to the misapprehension or mistake of the sheriffs and inhabitants of said counties:

VII. Be it further Enacted by the General Assembly, That the sheriffs or collectors of such counties who have neglected to make collection of the said tax, be and they are hereby directed to make collection of the same in current money, as well from those who have heretofore collected and not

accounted as those individuals who have never yet paid, and that the sheriffs or collectors of the several counties shall at their next annual settlement with the Treasurer account for and pay into the treasury the aforesaid tax, under the penalties inflicted by law for neglect in accounting for any other tax.

And whereas it is necessary that the duties on certain imported articles should be altered or encreased in aid of the public finance:

VIII. Be it therefore Enacted by the authority aforesaid, That from and after the first day of April next, the following duties shall be paid on the following goods, wares and merchandize imported in this state, in lieu of the duties heretofore laid, on the goods and articles herein enumerated and particularized, that is to say, Upon all rum of Jamaica proof, six pence per gallon; upon all other spirituous liquors five pence per gallon; upon molasses two pence per gallon. Provided nevertheless, That all molasses which shall be distilled in this State, on the person who distils the same producing a certificate on oath within six months to the collector, shall receive a drawback of the said duty of two pence on every gallon so distilled. Upon salt six pence per bushel; on every dozen packs of playing cards twelve shillings; upon all woollens, linens, plantation workman's tools, bar-iron, steel and castings, a duty of two and an half per cent. ad valorem; upon all other goods and merchandize not herein enumerated which heretofore was subject to a duty of two per cent. ad valorem, an impost of five per cent. ad valorem, shall be levied, collected and paid to the use of the State in the same manner and under the same regulations, and subject to the same seizure, forfeiture and other penalties as are provided by an Act, entitled, "An Act for laying certain duties therein mentioned on all foreign merchandize imported into the State, in aid of the public finance, and directing the mode of collecting the same," and also one other Act passed at New Bern, in October, one thousand seven hundred and eighty-four, entitled, "An Act to amend the said Act," and one other Act made at New Bern, one thousand seven hundred and eighty-five, entitled, "An Act for the regulation of commerce," and also one other Act passed at New Bern, October, one thousand seven hundred and eighty-four, entitled, "An Act for receiving a revenue for the support of government, and to repeal an Act entitled, "An Act to suppress excessive gaming."

Whereas there is no provision by law to impower the collectors of the tonnage on foreign bottoms, or others, to take bond for the payment thereof, and the oath to be taken in such cases is to be made out before the naval officer, where it cannot answer any purpose without a certificate from him to the collector: And whereas it is injurious to commerce, to oblige merchants and others to pay large sums of money without giving themselves time to prepare for such payment, and it would be equally injurious for the collectors to indulge them at the risk of such collectors:

IX. Be it therefore Enacted by the authority aforesaid, That every collector within this State, shall take bond with security for the payment of any foreign or other tonnage, when the amount thereof shall be more than ten pounds, in the same manner as he is directed to take bond for the duties on goods imported, and may be sued for and recovered in the same manner as bonds given for the payment of other duties, but shall be applied and appropriated as by law directed; and for receiving and paying the said duties on tonnage, the collectors are hereby authorised and directed to deduct a commission of two and a half per cent.

X. And be it Enacted by the authority aforesaid, That all invoices of goods imported by water, shall be shewn to the collector of the port when oath shall be made before him as by law directed, and an abstract thereof shall at the same time be delivered to him, which shall be included in the

said oath, as containing a just and true account of the original cost of such goods (inclusive of the cost of the packages and other charges) which shall be added separately and be signed by the person making the entry, and all foreign monies shall be rated at the par of exchange between such monies and the money of Great Britain, and in the same manner shall the sterling money of South Carolina and Georgia be rated according to their respective value at par; and when goods shall have been purchased in any other State on a certain advance upon the foreign cost, the duty shall be paid on the foreign value only, in the same manner as goods imported directly from foreign ports.

XI. And be it further Enacted by the authority aforesaid, That goods may be entered for exportation, and may be shipped in any vessel within the time limited by law for any port or place whatsoever, as well as to the United States, bond being given, conditioned to produce within twelve months a certificate, that such goods have been landed at the port or place for which the same shall be entered as aforesaid, other than the ports or places within the United States, and in all other respects under the regulations and restrictions prescribed by law for entering goods for exportation to any ports in the United States, and the collector shall be entitled for the services imposed upon him by this Act, to demand and have the same fees to which by law he may be entitled for similar services.

And whereas masters of foreign vessels have complained that the naval officer for the port of Brunswick hath detained the registers of foreign vessels, and hath taken upon him to indorse foreign registers, and refused to deliver them without such indorsement, contrary to the practice in all commercial nations, and to the manifest injury of foreigners, who must necessarily take out new registers when they return to their respective States or nations: For remedy whereof,

XII. Be it Enacted by the authority aforesaid, That no register shall be detained by any naval officer when the same shall be demanded, and a certificate produced that the duties are paid on the goods imported in said vessel, as it is the only evidence of the property of his vessel, nor shall any indorsement be made by any naval officer on any register, foreign or American, unless he shall be requested so to do upon the change of a master, and every such interference shall be deemed a misdemeanor in office.

XIII. And be it further Enacted, That small vessels, American property, not exceeding twenty tons, and used as coasting vessels, shall not be subject to the payment of tonnage nor any extraordinary fees, but shall be permitted to go from port to port by virtue of a permit to be taken from the naval officer once in every three months.

And whereas merchants, masters of vessels and others, do often apply to the collectors for certificates to shew that goods by them imported have been entered, and the duties thereon paid in some of the ports in this State, in order to cancel bonds in some of the United States, or to prevent such goods being liable to a second duty on being removed from one port to another port within this State, for which service there is not any particular fee or allowance by law:

XIV. Be it therefore Enacted by the authority aforesaid, That from and after the passing of this Act, the respective collectors shall have and receive for each certificate required and issued as aforesaid, the sum of five shillings currency and no more.

And whereas it is directed by law that naval officers shall not clear out any vessel, unless the master produces a certificate from the collector that

the duties on goods imported and the tonnage duties have been paid, or secured to be paid agreeable to law, wherein the amount of such duties are not ordered to be expressed, which in order to check the accounts of such collectors is absolutely necessary:

XV. Be it therefore Enacted by the authority aforesaid, That from and after the passing this Act, the collectors respectively shall in all such certificates express in words the amount of all duties on goods, and for tonnage, as they shall receive, and for which they are accountable with the treasurer of this State; and such collector shall once in every six months make returns to the comptroller, in lieu of the returns by law directed to be made to the Governor; and the several naval officers shall in place and stead of the returns by them to be made to the Governor, and once in every six months, make such returns as aforesaid to the comptroller of this State, together with the collector's certificates of the amounts of tonnage and other duties, to enable such comptroller to state accounts against the treasurer and collectors of duties as aforesaid. Provided nevertheless, That ammunition and arms shall not be liable to any duty whatsoever; and that nothing in this Act shall extend to any articles the growth and produce of any of the United States. (Passed Jan. 6, 1787.)

CHAPTER XI.

An Act for Levying a Tax for the Support of Government, and for the Redemption of the Old Paper Currency, Continental Money, and Specie and Other Certificates.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That for the year one thousand seven hundred and eighty-seven, a tax of three shillings on every hundred acres of land, and a tax of nine shillings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this State, shall be levied and paid in State currency, or in gold or silver at the rates established by law. Provided, That all the lands west of the Cumberland mountain shall pay a tax of one shilling on every hundred acres of land and no more, and a tax in continental or State dollar bills, or soldiers bounty or specie certificates, in proportion for every hundred acres of land aforesaid: And the lands between the Apalachian and Cumberland mountains shall pay a tax of two shillings on every hundred acres of land, and a tax in continental or State dollar bills, soldiers bounty certificates, or specie certificates at their nominal value, in proportion for every hundred acres of land and no more, in lieu of the tax herein laid on other lands.

II. And be it further Enacted by the authority aforesaid, That for the said year one thousand seven hundred and eighty-seven, a tax of three shillings on every hundred acres of land, and a tax of nine shillings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this State, shall be levied and paid in continental or State dollar bills, or soldiers bounty certificates at the rate of eight hundred for one, in specie certificates of any kind at their nominal value with the interest due thereon, such as have been issued by the board of commissioners for settling army accounts since the first day of January last excepted, in currency certificates as rated by the Act for the sale of confiscated property, or in final settlement certificates at their nominal value including the interest due thereon.

III. And be it further Enacted by the authority aforesaid, That the above mentioned tax shall be collected, paid and accounted for as directed by an Act, entitled, "An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same and collecting the public taxes," and also one Act, entitled, "An Act for the more regular collecting, payment of and accounting for the public taxes." Passed Jan. 6, 1787.)

CHAPTER XII.

An Act Directing the Commissioners of Confiscated Property to Receive Certificates Agreeable to a Resolution of the Last General Assembly, at New Bern, in December, 1785.

Whereas it is represented to this General Assembly that some of the commissioners of confiscated property have refused to receive certificates agreeable to a resolution of the last General Assembly, while others have received them agreeable to the same, whereby one part of our citizens are deprived of that benefit that was intended to be general:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That each of the commissioners of confiscated property within this State are hereby respectively directed to receive in payment for all confiscated property they have sold since the last General Asembly, certificates agreeable to the above recited resolution, that is to say, the currency of this State, certificates granted to the officers and soldiers, final settlement certificates and currency certificates, at the rate established by law.

II. And be it further Enacted by the authority aforesaid, That all Acts coming within the meaning and purview of this Act, are hereby repealed and made void.

Provided nevertheless, That certificates issued by the late board of commissioners, and declared not negotiable by this Asembly, shall not be received (Passed Jan. 6, 1787.)

CHAPTER XIII.

An Act to direct the Method to Appoint Jurors and Surveyors to Run Out Disputed Lands.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same That in all suits in the superior and inferior courts of this State wherein the bounds of land shall come in question, if it shall appear to the court necessary, such court may order two surveyors, one to be named by each party, to attend and run out and survey the lands in dispute, agreeable to the bounds and lines expressed in each party's title, and make three accurate plans of such surveys, and return the same to such court; which order such surveyors are hereby required to obey, and shall be allowed twenty shillings each, for every day they shall be travelling to and from attending the surveys, and performing the duty by this Act required.

II. And be it further Enacted by the authority aforesaid, That twelve jurors, six of which shall be chosen by each party, shall go upon the lands, the bounds of which shall so come in question, and shall attend the surveyors while they are making such survey, and shall subscribe their names

upon the plat or plats so to be returned by the said surveyors, and such jurors shall at the court where such disputed bounds is to be tried, constitute a petty jury for the trial of the same; and if one or more of the said jury shall fail to attend when such bounds is to be tried, his or their places shall be supplied by jurors drawn from the venire facias returned to the inferior or superior court where such cause shall stand for trial; and such jurors for their services in attending such survey, shall have and receive eight shillings per day each, and such allowances shall be taxed in the bill of costs and paid by the party cast: Provided nevertheless, That if the parties shall agree to have but one surveyor or a smaller number of jurors to go upon the land, the court shall order one surveyor to go upon the land, and perform the duties enjoined by this Act, and shall return three plans in manner as aforesaid, and the whole number of jurors so agreed upon by the parties shall attend the said court, and constitute part of the jury for the trial of the said disputed bounds, and the residue of the said jury shall be drawn from the venire facias returned to the said court; and the said jury so going upon the land shall be stiled the jury of view, and for attendance at the said court shall be entitled to receive the same allowances as petit jurors, to be paid by the party cast.

III. And be it further Enacted, That all laws and parts or clauses of laws heretofore made, that come within the purview of this Act, shall be, and the same are hereby repealed. (Passed Jan. 6, 1787.)

CHAPTER XIV.

An Act to Amend an Act Passed at New Bern, in December, One Thousand Seven Hundred and Eighty-Five, Entitled, "An Act for Encreasing the Jurisdiction of the County Courts of Pleas and Quarter Sessions, and of the Justices of the Peace Out of Court, and Directing the Time of Holding Courts in This State."

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That in future it shall and may be lawful for the heirs, executors, administrators or guardians, to carry on every suit or action in courts after the death of either plaintiff or defendants, and may be proceeded on by application in the same manner as appeals are carried on, under an Act passed the last session of Assembly, entitled, "An Act for encreasing the jurisdiction of the county courts of pleas and quarter sessions, and of the justices of the peace out of court, and directing the time of holding the several courts of this State."

And whereas the frequent abuses of attornies have occasioned distress to many of the good people of this State:

II. Be it therefore Enacted, That it shall not be lawful for either plaintiff or defendant to employ in any matter or suit whatever more than one attorney to speak to any suit in court; and the courts in this State are hereby directed not to suffer more than one attorney as aforesaid in any matter whatever to plead for either plaintiff or defendant to any suit, under the penalty of a violation of this Act.

III. And be it Enacted, That in any matter or suit depending in court, it shall and may be lawful for either plaintiff or defendant to enter his own plea and defend his own cause, and that no instrument of writing which contains the substance, shall be lost or destroyed for want of form, any other law to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That all fees to

be taken by attornies in future, in any suits in any of the several courts of law and equity established in this State, shall be as follows, to wit, In any suit in equity the sum of ten pounds; in any suit in any of the superior courts where the title of lands shall come in question, the sum of five pounds; in all other suits originally commenced in any of the said courts on the law side, the sum of five pounds; in all appeals from any other court to the said superior courts, the sum of five pounds; in all suits in the county courts of pleas and quarter sessions where the title of lands shall come in question, the sum of five pounds; in all other suits originally commenced in the said county courts, the sum of two pounds; in every appeal from the judgment of a justice of the peace to the said county courts, the sum of twenty shillings.

V. And be it further Enacted by the authority aforesaid, That if any attorney or attornies shall presume to ask, take or receive, directly or indirectly, any other or greater fees than are by this Act directed in all civil cases, it shall be deemed in such attorney or attornies a misdemeanor in his office or profession of an attorney, and such mal-practices being made known to any of the courts within this State, such court is hereby required to direct the attorney general or the solicitor, on behalf of the State, to carry on a prosecution by indictment for such mal-practice aforesaid; and if any such attorney or attornies shall be thereupon convicted by the verdict of a jury, of taking any other or greater fees than by this Act are allowed, he or they shall by the same court in which such conviction shall be had, be thenceforth dismissed from his practice as an attorney, for one year in every court of law and equity within this State.

VI. And be it further Enacted by the authority aforesaid, That every attorney when employed in any suit in any of the courts of this State, shall file his declaration in the clerk's office, any time within the first three days of the term to which the writ is made returnable, and on failure thereof such suit shall be dismissed by the court at the cost of the plaintiff, which cost being paid by said plaintiff to the clerk of the said court, he or they paying such costs in consequence of a declaration not being filed in due time as aforesaid, may warrant such attorney for all such costs by him paid as aforesaid; and the receipt of the clerk shall and may be given in evidence in support of such claim; and the justice before whom such warrant shall be tried, may give judgment and issue execution thereon; and such attorney shall be further liable to the action of such plaintiff, for such damages as he or they may have sustained in consequence of such declaration not having been filed as aforesaid.

VII. And be it further Enacted by the authority aforesaid, That single justices of the peace shall from and after the passing this Act, have jurisdiction of all debts and demands of twenty pounds and under, where the balance due on any specialty, contract, note or agreement, or for goods, wares and merchandize sold and delivered, or work or labour done, all which matters and things are hereby declared to be cognizable and returnable before any one justice of the peace out of court, and execution thereon may be awarded as directed by an Act, entitled "An Act for establishing courts of law and regulating the proceedings therein," subject nevertheless to the appeal of either party; which said appeal shall be tried and determined by a jury of good and lawful men as in court has heretofore been used, the first court, and the determination thereon shall be decisive. Provided always, that judgments given by any one justice of the peace, execution thereon shall be stayed in the following manner, to wit, For all sums not exceeding forty shillings, twenty days; and for all sums above forty shillings and not exceed-

ing five pounds, sixty days; for all sums above five and not exceeding ten pounds, one hundred and twenty days; and for all sums above ten and not exceeding twenty pounds, six months; for the full and truly payment of which, with costs and interest until paid, the party requiring such stay of execution, shall give sufficient security if required, and if the said judgment shall not be discharged at the time to which the execution thereon may have been stayed, then it shall and may be lawful for any justice to issue execution in the usual form for the same against the principal and his securities. Provided also, That no suit shall be commenced in the first instance, returnable to any court for any sum under twenty pounds.

VIII. And be it further Enacted, That the constables of this State shall be appointed as usual, who shall enter into bond payable to the Governor, with sufficient securities with the court, in the sum of two hundred and fifty pounds, for the faithful discharge of his duty, and shall be entitled to the following and no other or greater fees for his services, to wit, for serving every warrant, four shillings, for every execution four shillings, for summoning every witness two shillings, for every attachment levied five shillings, for every bail bond one shilling.

IX. And be it Enacted, That in all cases where any constable shall serve a warrant on any person for a demand of five pounds or upwards, he shall take bond with sufficient security for his appearance before some magistrate to have the same tried, and for a compliance with the judgment of such magistrate, to be given thereon in double the amount at least of the sum laid in the warrant; and in case any such person so bound, shall fail to comply with such judgment when given, the constable shall make an assignment of such bond to the party injured, who shall proceed thereon as in cases of bail bonds given on suits commenced in the courts of law.

X. And be it further Enacted by the authority aforesaid, That when it shall so happen that an execution in the hands of any constable in consequence of a judgment from any justice of the peace, and there shall be no personal property in his county whereon to levy such execution, then and in all such cases it shall be the duty of the constable to levy such execution on the real estate of the person against whom it issued, and make return of such his proceedings to the next ensuing county court, that an order of such court may direct the sheriff of the county to dispose of such real estate, or so much thereof as the court may direct according to law.

And whereas it is just and reasonable that those who employ the principal officers in law department in deciding their private litigations, should contribute somewhat more amply than the rest of the community, towards their support:

XI. Be it therefore Enacted by the General Assembly, That for the future the following taxes shall be assessed on the proceedings in law and equity hereinafter particularized, that is to say, for every subpoena or writ to answer to any bill in equity or in the courts of law twenty shillings; for every writ for the removal of the entire record of any cause from any of the courts of law in this State into any other court of law or equity, twenty shillings; for every leading process returnable to any superior court of law and equity in this State ten shillings; for every appeal from the judgment or determination of any inferior court of law in this State ten shillings; for every writ of mandamus certiorari, or for the removal of the body of any person, or other writ to be granted on motion where the same is the original of any proceedings in court, fifteen shillings; for every leading process returnable to any court of pleas and quarter sessions in this State, five shillings; for every appeal from the judgment or decree of any court of pleas

and quarter sessions, or motion allowed instead of a writ of error, eight shillings.

XII. And be it further Enacted, That the clerks of the respective courts from whence the aforesaid writs may issue, or whereon such appeals or motions may be granted or allowed, shall at the same time of such allowance, or at the time of such writ shall be prayed before the issuing thereof, receive the taxes hereby imposed on the same, and if it shall be at any time discovered that any writ has issued, or the record of any cause transmitted upon any appeal or writ of error before the receipt of the tax thereon imposed by this Act, the clerk so issuing or transmitting shall be deemed guilty of misbehaviour in office; and the said clerks respectively shall annually on or before the thirty-first day of December in every year, under the pain aforesaid, account with upon oath and pay to the public treasurer of this State for the time being, all monies which he ought to collect by virtue of this Act, and cause a copy of his account passed with the treasurer, specifying each particular tax, from whom received and for what purpose, and signed by the treasurer in his own proper handwriting, to be posted against the wall of his court house in the most public part thereof twenty days thereafter, and the same so posted to continue for three months, in order that it may be the more easily discovered whether he has neglected to receive any tax which he ought to have collected, or has failed to account for any tax which he did receive.

XIII. And be it further Enacted, That the clerk of each and every court of law and equity in this State, at the first court that shall be held after the first day of May next, or in case of any unavoidable hindrance the next court afterwards, shall give bond with approved security to the court whereof he is clerk, in the sum of two thousand pounds, conditioned for the due performance of the duties hereby enjoined him, which bond shall be transmitted to the treasurer, or otherwise the said clerk shall be liable and bound to pay a sum equal to treble the tax imposed by this Act.

XIV. And be it further Enacted by the authority aforesaid, That all and every Act or Acts heretofore made, so far as they come within the purview or meaning of this Act, are hereby repealed and made void; provided that this Act shall not be in force until after the first day of May next. (Passed January 7, 1787.)

CHAPTER XV.

An Act to Amend an Act, Entitled, "An Act to Amend an Act, Entitled, 'An Act for Ascertaining What Property in This State Shall Be Deemed Taxable Property, the Method of Assessing the Same, and Collecting Public Taxes.'"

I. Be it Enacted by the General ssembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all land held by deed or entry, where there is no caveat, or by lease, or in right of dower, all town lots with certain improvements, all free males and servants between the ages of twenty-one and sixty years, all slaves male and female between the ages of twelve and sixty years within this State, shall be subject to the payment of public taxes; and the public taxes on such property and persons shall be assessed and proportioned in the manner directed by this Act, that is to say, all lands shall be taxed by the hundred acres, and so in proportion for a greater or less quantity.

II. And be it further Enacted by the authority aforesaid, That the public

tax on each and every poll shall be equal to the public tax on three hundred acres of land; and town lots with certain improvements shall be valued as herein after directed.

III. Be it further Enacted by the authority aforesaid, That the list of taxes shall be taken and returned in the same manner, and under the same penalties as by an Act, entitled, "An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same, and collecting the public taxes," passed at Hillsborough, in April, 1784. (Passed January 6, 1787.)

CHAPTER XVI.

An Act to Compel Certain Officers Therein Mentioned to Publish the Application of the Public Monies and Allowances for Insolvents.

Whereas it is just and right that the body of the people on whom taxes are laid, should know to what purposes the monies arising therefrom are applied and appropriated: And whereas, no adequate means have been adopted to draw into view the annual state of the treasury, and the application of the public monies:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the treasurer or treasurers shall form an accurate state of the treasury, which shall be laid before the General Assembly of that year, and published and bound up with the laws of that session, in which statement shall be specified the neat produce of the several branches of revenue, the several allowances for insolvencies, and the arrears of any of the sheriffs or county treasurers, all allowances or drafts made by the General Assembly, and warrants issued by the Governor, shall be severally enumerated, briefly setting forth in whose favour they were made or drawn, and on what account.

And whereas it is found necessary to form some check against fraudulent and deficient returns of taxable property, and to prevent improper allowances for insolvents:

II. Be it Enacted by the authority aforesaid, That the clerk of each county shall at the next court after the returns of the taxable property are directed to be made, set up in some conspicuous part of the court house an alphabetical list of the taxables and taxable property delivered or reported by the persons appointed to take the lists of taxable property, and when any collector shall return his list of insolvents to be allowed by the court, he shall make oath that he hath been at the dwelling house or usual place of residence of the person or persons therein named, and that he could not find property of such person or persons sufficient to discharge their respective taxes, or any part thereof, which list shall also be advertised by the clerk in the court house, specifying each collector's district and return, and any clerk neglecting or refusing to perform the duties required by this Act, shall for every such neglect or refusal, forfeit and pay the sum of fifty pounds, to any person who shall sue for the same within six months.

And whereas the poor have of late years considerably increased, and large sums have been annually levied for the charitable purpose of their support, of the due application of which the people have no account or knowledge:

III. Be it further Enacted by the authority aforesaid, That the wardens of the poor shall hereafter every year, at the next court of their respective counties after the first day of June, publish and set up in the court house, an account of the monies by them received by taxes or otherwise for the pur-

poses aforesaid, with the use and application they have made of the same, particularly specifying the expence of each pauper, with an account of the claims or such debts unpaid, if any, and to whom due, under the penalty of one hundred pounds, to be sued for and recovered by action of debt, in the name of the chairman of the court of the county where such neglect shall happen, and applied to the use of the county.

And whereas large sums are frequently levied for county purposes, which are within the management of the court or justices of each county: And whereas no money ought or can be levied as a tax, of which the people have not a right to know the application:

IV. Be it Enacted by the authority aforesaid, That the court of each county shall at the first session after the first day of June in every year, cause the proper officer to publish and set up in some part of the court house, an account of the monies received the preceding year by taxes or otherwise, stating also what application hath been made of the same, to whom paid, and what claims, if any against the county remain undischarged.

V. And be it further Enacted by the authority aforesaid, That the commissioners of the respective towns in this State, shall annually publish an accurate list of the taxes levied and collected in such town, together with a list of each sum expended by said commissioners and to whom paid, and for what purpose; and any board of commissioners failing to comply with the directions and intention of this Act, shall forfeit and pay the sum of fifty pounds, to be recovered and applied in manner by this Act directed for the recovery and application of other fines, which sum shall be levied of the proper goods and chattels of the said commissioners, or either of them.

VI. And be it further Enacted, That all Acts and parts of Acts which come within the purview of this Act, shall be, and they are hereby repealed and made void. (Passed Jan. 2, 1787.)

CHAPTER XVII.

An Act to Repeal the Several Acts of Assembly Respecting Slaves Within This State, as far as the Same Relates to Making an Allowance to the Owner or Owners for any Executed or Outlawed Slave or Slaves.

Whereas many persons by cruel treatment to their slaves, cause them to commit crimes for which many of the said slaves are executed, whereby a very burdensome debt is unjustly imposed on the good citizens of this State: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority of the same, That from and after the passing of this Act, the several Acts of Assembly of this State, as far as relates to making an allowance for any outlawed or executed slave or slaves, shall be, and the same is hereby repealed and made utterly void. (Passed Jan. 6, 1787.)

CHAPTER XVIII.

An Act to Amend an Act, Entitled, "An Act to Empower the County Courts of Pleas and Quarter Sessions of the Several Counties in This State, to Order the Laying Out Public Roads, and to Establish and Settle Ferries, and to Appoint Where Bridges Shall Be Built, and to Clear Inland Rivers and Creeks."

Whereas, by the before recited Act the overseers of the roads are compelled to make small bridges, causeways, &c., where the county courts do not think proper to have the same built at the expence of their counties, and the said overseers are not authorised by said recited Act to cut any timber to enable him or them to comply with the requisitions of said Act: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority of the same, That the overseers of the several roads within this State are hereby authorised to cut poles and other necesary timbers to enable him or them to comply with the duties enjoined them in repairing and making bridges and causeways, without incurring any penalty thereby.

II. And be it further Enacted by the authority aforesaid, That all white males between the ages of eighteen and fifty years (except such persons as are excepted in the before recited Act) shall be liable to work on roads.

III. And be it further Enacted by the authority aforesaid, That so much of the before recited Act as comes within the purview of this Act is hereby repealed and made void.

IV. And be it further Enacted, That all offences committed or done against the purview of the aforesaid recited Act, shall hereafter be prosecuted by indictment in any court having cognizance thereof; and all forfeitures shall be recovered by action of debt, bill, plaint or information; one half to the use of the prosecutor, the other half to the use of the State, unless the same have been otherwise provided for by the said Act.

V. And be it further Enacted by the authority aforesaid, That when any person appointed as an overseer of the roads in any county in this State, he shall be deemed and held liable for any neglect in working on the roads, until he shall have made return to the court of his county, and shall make it appear to their satisfaction he has done the duties of an overseer by law directed. (Passed Jan. 6, 1787.)

CHAPTER XIX.

An Act to Empower the Several County Courts Therein Mentioned to Lay a Tax Annually, Not Exceeding Three Years, for the Purpose of Erecting or Repairing the Court House, Prison and Stocks in Each County When Necessary, and for Defraying the Contingent Charges of the County.

Whereas the taxes heretofore levied in the counties of Sampson, Richmond, Johnston, Randolph, Hyde, Anson, Wayne, Martin Cambden, Guilford, Cumberland, Moore, Bladen, Davidson, Surry, Sullivan and Greene for the purposes above mentioned, have been found insufficient for the same: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the courts of the several counties herein before named, shall, and they are hereby authorised and empowered from and after the passing of this Act, to lay a tax annually,

not exceeding the sum of three shillings current money on every poll, and one shilling on every hundred acres of land, and on each hundred pounds value of town lots with their improvements in their counties respectively, for the purpose of erecting, finishing or repairing such court house, prison or stocks, in any of the counties aforesaid, when the same may be found by the said court to be absolutely necessary, and for the purpose of defraying the contingent charges; which said tax shall be collected and accounted for in the same manner, at the same time, and by the same persons who are appointed to collect the public tax in each county, and the same so collected, shall be paid into the hands of such person or persons for the purposes aforesaid, as the several county courts shall from time to time direct; which person or persons so nominated and appointed, shall be accountable to the courts of their respective counties for all such monies as he or they may receive in virtue of this Act.

II. And be it further Enacted by the authority aforesaid, That all and every Act and Acts, so far as they come within the purview or meaning of this Act, be, and they are hereby repealed and made void.

CHAPTER XX.

An Act to Prevent the Obtaining of Grants for Lands Lying in the Western Parts of this State to the Prejudice of the First Enterers, and Entered in the Office Lately Established for Receiving Entries of Claims of Such Lands, by an Act, Entitled, "An Act for Opening the Land Office for the Redemption of Specie and Other Certificates, and Dicharging the Arrears Due to the Army."

Whereas it is the intent and meaning of the said Act and of the Act, hereby revived and put in force, that the first enterers of the vacant and unappropriated lands, if specially located, therein described, shall have preference to all others in surveying and obtaining grants for the same, when such entries have been made: And whereas divers persons have repaired to the lands lying out of the inhabited part of this State, and have caused the same to be surveyed in virtue of entries made subsequent to the entries for the same lands and plats of such surveys to be returned to the secretary's office, have or are about to obtain grants for the same, to the prejudice of the first enterers: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That every first enterer of any tract of land specially located, lying in the western parts of this State, out of the inhabited parts thereof, shall be allowed the term of two years from the last day of the present session of Assembly to cause the same to be surveyed and to obtain grants thereon; and that all grants and surveys of land lying in the parts aforesaid heretofore or hereafter to be made or obtained within the said two years by any person upon lands previously or first entered by any other person, shall be, and the same are hereby declared to be void and utterly of no effect. And whereas it hath been found impracticable for the surveyors in the different districts and counties west of the Apalachian mountain, to make their surveys within the time limited by law:

II. Be it Enacted, and it is Enacted by the authority of the same, That a further time of two years from and after the expiration of the limitation by law now existing be allowed, in order that the surveyors may complete the surveys as by warrant to them directed.

III. And be it further Enacted, That it shall not be lawful for the secre-

tary of State, and he is hereby directed, not to issue any grants for lands lying west of the Cumberland mountain until the end of the next session of Assembly, grants allowed for military services, pre-emption and guard rights excepted.

IV. And be it further Enacted by the authority aforesaid, That the farther time of twelve months shall be allowed to the officers and soldiers of the late continental line of this State, to locate and survey the lands allowed them by law.

V. And be it further Enacted by the authority aforesaid, That the further time of two years shall be given for the registering military grants in this State.

VI. And be it further Enacted, That all deeds, grants and mesne conveyances not issued from the late Lord Granville's office, shall be allowed a further time of two years for probate and registration; all which deeds, grants and mesne conveyances not issued from the Lord Granville's office, although the time in which they ought to have been proved and registered may have elapsed, shall be as valid when proved and registered in pursuance hereof, as if the same had been done in due time according to any former law.

VII. And be it further Enacted, That all surveys already made for removed warrants for lands actually entered in the land office at Hillsborough, and removed on account of the lands entered being previously entered as the law directs, shall be good in law, provided such lands were at the time of such survey actually vacant, and that such survey on removed warrants shall not effect or injure the right of any lands entered and specially located in the office aforesaid, previous to such survey.

CHAPTER XXI.

An Act to Amend an Act, Entitled, "An Act for Emitting One Hundred Thousand Pounds Paper Currency for the Purposes Therein Mentioned," for Appropriating the Tobacco Lately Purchased by Virtue of Said Act Towards Discharging the Interest of the Foreign Debt Due by the United States, and for Making Provision for the Future Discharge of the Principal and Interest of the Said Debt.

Whereas the provision made by the Act, entitled, "An Act for emitting one hundred thousand pounds paper currency for the purposes therein mentioned," was intended to discharge the proportion of this State of the interest of the foreign debt due by the United States, but the said Act is expressed in terms altogether uncertain and insufficient to answer the purpose thereby intended: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the delegates from this State in Congress, be and they are hereby authorised to sell and dispose of the said tobacco purchased by the State under the said Act, for the highest price that can be had for the same, and the proceeds of such sale shall be subject to the orders of the board of treasury of the United States, and shall be carried to the credit of this State in account with the United States, in discharge of so much of the interest of the foreign debt due by the United States for which this State is or may be liable; and on such sale being made as aforesaid, they shall without delay advise the Governor thereof, who shall be and is hereby directed and authorised to give the necessary orders to the several commissioners to have the said tobacco respectively by them purchased, carefully reviewed and put in good order and readi-

ness to be delivered, at the usual place of lading at or near Edenton, Washington or Wilmington, to such person or persons to whom the same may have been sold as aforesaid.

II. And be it further Enacted, That proper persons shall be chosen by joint ballot of both Houses of the General Assembly, for the purpose of purchasing tobacco deliverable at the towns of Halifax, Tarborough and Fayetteville, to whom the treasurer shall pay the monies arising from the revenues and sources of revenues appropriated to the discharge of this State's estimated quota of the interest and principal of the foreign loans, by an Act, entitled, "An Act for the support of government, and for appropriating the revenues of the State;" whereof the monies arising and collected from such revenues in the district of Edenton, Halifax and New Bern, shall be paid as aforesaid to the commissioners of Halifax and Tarborough, that is to say, the one half to each commissioner; and the monies arising from such revenues in the remaining districts in the State, shall be paid to the commissioner purchasing at Fayetteville for the purposes aforesaid; and the commissioners so appointed shall be entitled to the same commissions for such service, take the same oath and give the same security for the faithful performance of the trust reposed in them, which was required of the commissioners appointed for similar purposes under an Act passed at New Bern in 1785, entitled, "An Act for emitting one hundred thousand pounds paper currency for the purposes therein expressed."

III. And be it further Enacted, That the said commissioners shall not on any pretence give more than the current cash price of the day for each hundred weight of merchantable tobacco, which tobacco shall be disposed of for the purposes aforesaid, as the next General Assembly shall direct, and the said commissioners shall settle their accounts with the comptroller of this State on or before the first day of March, 1788. (Passed Jan. 6, 1787.)

CHAPTER XXII.

An Act for Establishing a Militia in this State.

Whereas in all republican governments a well regulated militia is highly necessary for the defence and safety thereof:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all freemen and indented servants within this State, from eighteen to fifty years of age, shall compose the militia thereof; judges of the superior court of law, delegates, secretary, councillor of State, treasurer, attorney general, ministers of the gospel of every denomination having the cure of souls, ferrymen, branch pilots, inspectors of public warehouses, justices of the peace, and continental officers who have served with reputation three years or to the end of the war, unless sooner deranged by a reform of the army, excepted. Provided, That nothing herein contained shall be construed so as to exempt any person from performing duty in case of insurrection or invasion in this State: organized in the following manner, to wit: The militia of each district shall compose a brigade, the infantry of each county shall form a regiment consisting of one or more battalions, with eight regiments of cavalry and two battalions of artillery, formed as hereinafter directed. Provided, That no person shall be enrolled in any troop of horse until approved of by the field officers of the regiment of his county, but shall until then do his duty in the infantry.

II. And be it further Enacted by the authority aforesaid, That each and

every company of infantry shall consist of one captain, one lieutenant, one ensign, three serjeants, three corporals, one drummer, one fifer and not less than fifty privates; all of whom shall reside in the district: And one troop of horse shall be formed in each county, consisting of one captain, one lieutenant, one cornet, three serjeants, three corporals, one trumpeter and thirty-two privates, and the cavalry in each district shall compose one regiment: And there shall also be one company of artillery in each borough town in this State, consisting of one captain, one captain-lieutenant, and one lieutenant, three serjeants, three corporals, two drummers, two fifers and fifty-two privates, which shall be formed into two battalions, composing one regiment.

III. And be it further Enacted by the authority aforesaid, That each brigade shall be commanded by a brigadier-general, each regiment of infantry by a lieutenant-colonel Commandant, a lieutenant-colonel and two majors, except where there may be two or more battalions in one county, then in that case by a lieutenant-colonel commandant of the regiment, and one lieutenant-colonel and one major to each battalion; and each regiment of cavalry by one lieutenant-colonel commandant and two majors; and the regiment of artillery by a lieutenant-colonel commandant and two majors, one to each battalion; who shall be chosen by a joint ballot of both houses of the General Assembly in all cases of vacancy: And the brigadier-general of each district is hereby authorised to appoint the brigade-major, aid-de-camp and inspector to the brigade; the adjutant, the surgeon, and the drum and fife-major shall be appointed by the commanding officer of each regiment; and the non-commissioned officers, drummers, fifers and trumpeters shall depend on the appointment of the captain of each company or troop, who are hereby empowered to make the same. The commissioned officers of companies shall rise to the grade of captain by seniority, and be commissioned accordingly, on the return or certificate of the commanding officer of the regiment; and in case of vacancy in the inferior grades where this rule will not apply, the field officers of the regiment shall recommend proper persons to his Excellency the Governor, who shall issue commissions accordingly.

IV. And be it further Enacted by the authority aforesaid, That the commanding officer of each and every regiment or battalion, shall in every year cause two regimental or battalion musters to be made of their respective regiments, at the court house of their county, except as hereinafter excepted, and every captain or commanding officer of a company shall once within two months, at such place as he shall think most convenient, muster, train and exercise his company, at which musters as well regimental or battalion as company musters, the officers and privates shall appear armed in the following manner, that is to say, all commissioned officers of the infantry with side arms or a spontoon, and each private and non-commissioned officer shall be provided either with a musket and cartouch-box, or a rifle, powder-horn and shot-pouch in good condition, with nine charges of powder made into cartridges with sizeable balls or swan-shot, one spare flint, one worm and picker: That every officer and private belonging to the troop or regiment of horse, shall appear at such musters, with a strong, serviceable horse, at least fourteen hands high, with a good saddle, bridle, holsters, one pistol, horseman's sword and cap, a pair of shoe boots and spurs, with a proper cartouch-box and cartridges all in good order; and at all musters the officers and privates of the artillery shall be armed and accoutred with small arms in the same manner of the infantry, except the non-commissioned officers, who shall have swords instead of fire-arms.

V. And be it further Enacted by the authority aforesaid, That if any officer shall fail to appear at such muster as aforesaid, or neglect to appear

properly armed, such officer shall on conviction before a court-martial forfeit and pay, if a colonel, lieutenant colonel commandant, lieutenant-colonel or major, the sum of four pounds; if a captain, captain-lieutenant, lieutenant, ensign or cornet, the sum of two pounds, unless he or they shall make such excuse as the said court shall judge sufficient: And every non-commissioned officer and private who shall fail to appear at the said musters, or who shall not be armed and provided in manner directed by this Act, shall, for every such failure or neglect, forfeit and pay if at a general muster twenty shillings, and if at a private ten shillings; which fines shall be recovered before any justice or justices of the peace having cognizance thereof; and in all cases of fines inflicted at regimental or battalion musters, the certificate of the adjutant, countersigned by the commanding officer of the regiment or battalion, and in all cases of fines imposed at private musters, the certificate of the first serjeant, countersigned by the captain, shall be sufficient authority for any magistrate to issue his warrant upon, but on trial shall be proved by the oath of such adjutant or serjeant: Provided always, That every absentee shall be allowed until the next succeeding muster, to make his excuse before the captain or commanding officer of the company.

VI. And be it further Enacted by the authority aforesaid, That the several captains shall enroll the names of all such free men and indented servants of which their several companies consist, and shall at their respective general musters, return a copy thereof to the colonel or commanding officer of their respective regiments, under the penalty of ten pounds, to be levied by warrant of distress from the colonel of the regiment, directed to the sheriff of the county to which the said regiment belongs, which sheriff shall be paid out of the said penalty the sum of eight shillings: and in case any sheriff shall neglect or refuse to execute such warrant, he shall forfeit and pay the sum of five pounds, to be recovered before any jurisdiction having cognizance thereof, and applied as hereinafter directed; which copy so returned, shall by every colonel or commanding officer of the regiment be returned to the brigadier general of the district within one month after such muster, under the penalty of twenty-five pounds, who is hereby required within three months, to transmit the same to the Governor, under the penalty of fifty pounds, to be recovered and applied as other fines by this Act imposed: And his Excellency the Governor is hereby required once in every year to report to the General Assembly the number of effective men in each county, the general state and condition of the militia, magazines and military stores.

VII. And be it further Enacted by the authority aforesaid, That when any brigadier-general shall be charged with mal-practice or neglect of duty in office, the Governor or commander in chief for the time being, shall order him to be arrested and furnished with a copy of his charge, and shall order a general court-martial, composed of one brigadier-general and twelve field officers, six of whom shall be drawn from some other brigade: And in like manner the brigadier-general or commanding officer of each brigade, shall arrest and appoint courts-martial for the trial of the field officers of the same, against whom charges may be exhibited; which courts shall be composed of thirteen officers, none of whom to be under the rank of captain, and a field officer to preside: The colonel or commanding officer of each regiment or battalion shall order a court-martial to be held at the place appointed for the muster of the same, on the day following their respective regimental or battalion musters; which court shall consist of thirteen members, the eldest of which shall be president, and be of the grade of field officer; the court shall be warned to that duty by the adjutant of the regiment or battalion by a roster to be by him kept; and the said court when convened, shall have

power to enquire into the age and abilities of all persons brought before them, and exempt such as may be adjudged incapable of service; and also all neglects or omission as well by officers as privates, and to hear and determine all appeals which shall be made by non-commissioned officers or privates who may think themselves aggrieved by the officers of the company; and to order and dispose of all fines, in the first place for buying drums and fifes and other implements of war for the use of the company whence the same shall arise, and afterwards with supplying the militia with arms and accoutrements.

VIII. And be it further Enacted, That whenever a court-martial is ordered, the officer directing the same shall appoint a judge-advocate to attend, who shall be allowed a reasonable salary out of the fines arising from the neglects of duty for his services; whose duty shall be to write at length the proceedings of the said court; and no sentence of a court-martial shall be put in execution until the same is returned to the officer ordering such court; and when the judgment or sentence shall be to cashier or suspend any officer whose appointment is in the General Assembly, the proceedings shall be transmitted to the Governor or commander in chief for the time being, to be by him laid before the next General Assembly after such sentence. The president and members of every court before they proceed to business shall take the oath herein after directed to be taken by the members of court-martial in actual service; and regimental or battalion courts-martial shall also take the following oath, to wit: "You shall swear well and truly to appropriate all fines and forfeitures, according to the true intent and meaning of the Act for establishing a militia in this State, without favour, affection or partiality. So help you God." Which said oaths shall be administered by the judge-advocate, who shall himself in presence of the said court, take the following oath, to wit, "I, A. B. do swear that I will well and truly perform the duties of judge-advocate of this court, according to the best of my skill and abilities. So help me God." And the said courts when formed and sworn, shall observe due order and decorum, and should any member be guilty of any misbehaviour while on the said court, he shall for the first offence be reprimanded by the president, and for the second and every other shall be fined by the rest of the members any sum not exceding ten pounds, to be recovered and applied as other fines by this Act directed.

IX. And be it further Enacted by the authority aforesaid, That if any non-commissioned officer or private shall during the time of muster, resist his commanding officer or refuse his lawful commands, if a non-commissioned officer he shall be fined forty shillings, reduced to the ranks and kept under guard during the time of such muster; and if a private shall be fined twenty shillings and be kept under guard during such muster; which fine shall be levied in the manner herein before directed. And if the captain, lieutenant and ensign, or any two of them, shall adjudge any person or persons enrolled as aforesaid, to be incapable of providing and furnishing him or themselves with arms, ammunition and accoutrements required by this Act, they shall make report thereof to the next regimental or battalion court-martial as the case may be, who may if it should appear necessary, exempt such persons from the fines and forfeitures by this Act imposed, until such arms and accoutrements shall be provided and delivered him by the court-martial, to be paid out of the fines already collected and that may hereafter be collected, such court-martial first taking security for the safe keeping of such arms and accoutrements, and to be returned when required.

X. And be it further Enacted by the authority aforesaid, That in case of an insurrection within this State, or invasion, it shall and may be lawful for

the Governor and commander in chief for the time, or any officer by him directed, to raise so many of the militia as shall be thought necessary for opposing such insurrection or invasion, and the militia so raised shall perform such duty or service as they shall be required to do by their commanding officer; and it is hereby required and directed that the said militia shall appear furnished with arms, ammunition and accoutrements as aforesaid.

XI. And be it further Enacted by the authority aforesaid, That every person who shall neglect or refuse on call or alarm given, to appear at such times and places as shall be appointed by his captain or other officer, shall on due conviction before a court-martial, forfeit and pay ten pounds, to be levied by warrant from the colonel or commanding officer for that service, directed to the sheriff of the county where the offender resides; and such sheriff, who is hereby required and directed to execute the same, shall for every neglect or refusal forfeit and pay the sum of ten pounds, to be recovered by action of debt before any jurisdiction having cognizance thereof: And any person who shall refuse to march against the enemy when commanded, or refuse or neglect to do his duty or perform the service he is put upon by his officer, or shall quit his post, desert or mutiny, it shall and may be lawful for the commanding officer of the regiment or corps to order a court-martial for the trial of such offender, first taking the following oath, to wit, "You shall swear well and truly to try and determine according to your evidence in the matter now before you, between the State and the prisoner to be tried. So help you God;" and on trial and conviction, to punish the offender according to the articles of war established for the regulation of the continental army, and the nature of the offence: Provided nevertheless, such punishment shall not extend to sentence of death, except in cases of desertion to an enemy or mutiny.

XII. And be it further Enacted by the authority aforesaid, That the respective officers, non-commissioned officers and privates, when in actual service, shall from the day they are ordered on duty, be paid according to the following rates, viz.

A Brigadier-General per day	£1 4s.
A Colonel or Lieutenant-Colonel Commandant of infantry	16s.
Lieutenant-Colonel, ditto	16s.
Major of ditto	12s.
Captain of ditto	8s.
Lieutenant of ditto	6s.
Ensign of Ditto	5s.
Surgeon of ditto	7s. 6d.
Serjeant-Major of ditto	4s.
Drum-Major of ditto	4s.
Fife-Major of ditto	4s.
Serjeant of ditto	3s.
Drummer of ditto	3s.
Fifer of ditto	3s.
Corporal of ditto	3s.
Private of ditto	2s. 6d.
Lieutenant-Colonel Commandant of Cavalry	20s.
Major of ditto	15s.
Captain of ditto	12s. 6d.
Lieutenant of ditto	10s.
Cornet of ditto	7s. 6d.

Surgeon of ditto	10s.
Serjeant of ditto	5s. 6d.
Corporal of ditto	5s. 6d.
Trumpeter of ditto	5s. 6d.
Private of ditto	4s. 6d.
Lieut. Col. Commandant of artillery	20s.
Major of ditto	12s. 6d.
Captain of ditto	10s.
Captain-Lieutenant of ditto	7s. 6d.
Lieutenant of ditto	7s. 6d.
Surgeon of ditto	10s.

Non-commissioned officers and privates to have the same pay as in the cavalry.

XIII. And be it further Enacted by the authority aforesaid, That when any commissioned officer shall be convicted before a court-martial of having violated this Act, he shall not only be subject to the fines imposed by this Act but shall be cashiered; and all the field officers of the militia shall be resident in the district or county for which they are appointed; and they shall possess a freehold of one hundred and fifty acres of land or a freehold in some town; and the persons enrolled in any troop of horse or company of artillery, shall be and are exempt from their service in the infantry, but shall not be afterwards transferred to the infantry except in case of removal, or by the consent of the commanding officer of the company.

XIV. And be it further Enacted by the authority aforesaid, That no officer or soldier ordered or directed by this Act to appear at muster as aforesaid, shall be liable to be taken or arrested by any officer in any civil action or process whatsoever on the day such person or persons is or are directed to appear, or in any reasonable time either going to, continuing at, or returning home from the place appointed to muster, but every such arrest is hereby declared to be void; and every person required by this Act to attend musters, going to or returning from any musters, shall be suffered to pass over any bridge and shall be put over any ferry without delay, free from any charge whatsoever; and if any ferryman shall demand pay for, delay or refuse to put such person or persons over, he shall forfeit and pay for every such offence the sum of twenty shillings, to be recovered by a warrant from a justice of the peace, one half to the informer, and the other half to the use of the county wherein the offence was committed: And no non-commissioned officer or private shall be deprived of the arms and accoutrements required by this Act, by execution issuing on an action of debt, or any civil process whatsoever. And the brigadier-general of each district shall at least once in two years review the several regiments or battalions in his brigade, and if any captain or commanding officer of a company shall fail or neglect to muster his company as by this Act required, he shall forfeit and pay the sum of ten pounds, to be recovered before a justice of the peace, or in any court having cognizance thereof, at the suit of the commanding officer of the regiment; which fines shall be applied to the use of the regiment in which they are levied, and the purposes to which other fines are appropriated.

XV. And be it further Enacted, That the major of each battalion of artillery, shall once in every year review the companies of the same, under the penalty of twenty-five pounds; and the commanding officer of the regiment shall once in two years review the said regiment by companies, under the penalty of twenty-five pounds, and shall once in every year transmit a return of said regiment to the Governor. The commanding officer of each regiment of cavalry shall once in two years muster the same, at some convenient place

of the district where the same shall be formed, under the penalty of twenty-five pounds, and shall also once in every year review every troop in his regiment, by calling one or two of them together at some convenient place, and shall also once in every year make a just return of his regiment to the brigadier-general of the district, under the penalty of twenty-five pounds: Provided always, That the companies of artillery shall attend the general musters of the regiments or battalions of infantry which may be most convenient to them.

XVI. And be it further Enacted, That all fines and forfeitures by this Act directed, and not particularly appropriated, shall be applied to the purposes of supplying arms, ammunition and accoutrements, and colours for the use of the corps from whence the same may arise, and those paid by the brigadier-general to be divided among the different regiments and battalions of his brigade for the same purposes.

XVII. And be it further Enacted, That the militia in the county of Rowan shall be divided into three battalions, to wit, those companies that muster at Salisbury shall be the first battalion, the second battalion shall remain as heretofore, and the companies on the east side of the Yadkin river shall form a third battalion, and shall muster at Willson's Old Field. The militia of the county of Mecklenburgh shall be divided into two battalions, and muster as heretofore. Provided, That nothing in this Act contained, shall be construed so as to oblige any of the people called Quakers, Moravians, Dunkards or Minonists, to attend any private or general muster of infantry.

XVIII. And be it further Enacted, That the companies of each regiment or battalion shall take post in the same according to the age of the commissions of the several captains, and if two or more officers of the same grade shall have commissions of equal date, the priority shall be decided by drawing lots in presence of a majority of the field officers of the regiment or battalion, which lot shall be marked on the several commissions and forever conclude the parties.

XIX. And be it furtner Enacted, That all former laws for regulating the militia of this State, and every part thereof, be and they are hereby repealed and made void. Provided, That this Act shall not take effect or be in force until the first day of June next.

XX. And be it further Enacted, That it shall be considered part of the public printer's duty to furnish three pamphlets of the Baron Stuben's Military Guide to each county within this State for the use and instruction of the field and other officers of the militia in the line of their duty; and shall be sent with the Acts of Assembly to the different districts: And provided also, That the General muster for the county of New Hanover shall hereafter be held at Beaufort Bridge; any law to the contrary notwithstanding.

XXI. And be it further Enacted, That if any regiment or battalion is at this time officered different from the directions of this Act, the same shall remain so until by vacancies happening in the same, it shall be practicable to arrange the appointments as by this Act before directed.

XXII. And be it further Enacted, That the Brigade-inspector shall have the rank of lieutenant-colonel of infantry, and be allowed the same pay when in actual service; whose duty it shall be to attend the general musters of each battalion, in the district of which he is appointed, once in every year: And the brigade-major and aid-de-camp shall severally have the rank of major of infantry, and be allowed the same pay when in actual service. (Passed January 6, 1787.)

CHAPTER XXIII.

An Act to Pardon and Consign to Oblivion the Offences and Misconduct of Certain Persons in the Counties of Washington, Sullivan, Green and Hawkins.

Whereas divers persons within the counties of Washington, Sullivan, Greene and Hawkins, who had withdrawn themselves from their allegiance to this State, have returned thereunto, and expressed a disposition to continue peaceful subjects of the same.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all treasons, misprison of treasons, offences and misdemeanors of every kind soever, done or committed by any of the said persons against the sovereignty and government of this State in and over the said counties as heretofore acknowledged, held and exercised, be and are hereby pardoned and buried in total oblivion; and the said persons be and are hereby restored to all privileges of the other citizens of the State as if the said offences and misconduct had never existed; any law to the contrary notwithstanding. Provided, That where any decisions have been had respecting property, which are incompatible with justice, the person or persons injured shall have his or their remedy at common law.

II. And be it further enacted by the authority aforesaid, That all persons who held and enjoyed civil and military offices within the said counties, on the first day of April one thousand seven hundred and eighty-four, be and are hereby continued and confirmed in the said offices; and such as have accepted and exercised other offices and appointments, the acceptance and exercise of which are considered to be a resignation of their former offices held under this government; and the same are hereby declared vacant; which said vacant offices, both civil and military, shall be filled up with proper persons to be appointed by the General Assembly and commissioned by his Excellency the Governor, or otherwise as by law directed.

III. Be it enacted by the authority aforesaid, That all arrearages of taxes due from the citizens of the said counties up to the end of the year one thousand seven hundred and eighty-four, shall be collected and accounted for according to the revenue laws of the State; and that all taxes due from the said citizens from the end of the year one thousand seven hundred and eighty-four up to the present time, shall be and the same are hereby relinquished and given to the citizens aforesaid; any law to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER XXIV.

An Act for the relief of George Laine Moore and William Jones.

Whereas it is made known to the General Assembly, that George Miller purchased of John Campbell and Alexander M'Culloch, as agents for Henry M'Culloch, three hundred and twenty acres of land on the twenty-ninth of December, one thousand seven hundred and fifty-seven, for the consideration of twenty-five pounds; and that the deed of conveyance for the same is torn and great part thereof lost without being registered; and also that the aforenamed George Miller, after being possessed thereof near twenty years, hath sold the said lands, viz: Two hundred and seventy acres to Michael Redwill, and fifty acres to Nathan Oakey: And that the said lands hath been sold, viz: Fifty acres by the said Oakey to William

Jones, and the remainder two hundred and seventy acres by the said Redwill to George Laine Moore. And whereas the estates of fair and honest purchasers may be drawn in question the original deed not having been proved and registered: For remedy whereof,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That upon registration of the fragment of the said original deed, and of the deeds to Michael Redwill and Nathan Oakey, the same shall be good and valid to all intents and purposes as the original would have been, had the same been registered entire according to law; any law to the contrary notwithstanding. (Passed Jan. 1, 1787.)

CHAPTER XXV.

An Act for Raising Money by a Lottery, for the purpose of Building a House for the Reception of the Poor in Craven County.

Whereas it would tend very much to the relief of the inhabitants of the county of Craven to have a house built for the reception of the poor in the said county; And whereas it would be difficult from the variety of taxes now levied on the said inhabitants, to raise a sufficient sum by a tax, and it is thought that a sum adequate to the purposes aforesaid may be raised by lottery:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Richard Dobbs Spaight, John Wright Stanley, John Hawkes, Spyers Singleton and Abner Neale, Esquires, shall be and are hereby appointed managers, who, or a majority of them, shall undertake, carry on and draw a lottery in New Bern, for the purposes aforesaid, with power to issue two thousand tickets for the first class at twenty shillings each, and two thousand tickets for the second class at thirty shillings each; the tickets to be signed by themselves and to be in the following form: "No. ———— Craven county poor-house lot-"tery. This ticket entitles the bearer to whatever prize may be drawn "against this number, deducting fifteen per cent. as per Act of Assembly "passed in December, 1786." And on the third Monday of June next, at the court-house in New Bern, shall begin the drawing of the first class of the said lottery, if a sufficient number of tickets shall by that time be disposed of, and the calculation of the chances shall be as follows:

One prize of five hundred pounds.....is	£ 500		
Three prizes of one hundred pounds.....is	300		
Four prizes of fifty pounds.....is	200		
Five prizes of twenty pounds.....is	100		
Eight prizes of ten pounds.....is	80		
Three hundred prizes of forty shillings....is	600		
First drawn entitled to ten pounds.....is	10		
Last drawn entitled to ten pounds.....is	10		
	1800		
Two hundred pounds carried to class the second....	200		
		£.2000	
Two thousand tickets at twenty shillings..is	£2000		

And on the third Monday of November next, at the court house aforesaid, shall begin the drawing of the second class of the said lottery, if a sufficient

number of tickets shall by that time be disposed of, and the calculation of the chances shall be as follows:

One prize of one thousand pounds.....is	£1000	
One prize of five hundred pounds.....is	500	
Two prizes of two hundred pounds.....is	400	
Four prizes of fifty pounds.....is	200	
Ten prizes of twenty pounds.....is	200	
Two hundred and ninety prizes of three pounds .....is	870	
First drawn entitled to fifteen pounds.....	15	
Last drawn entitled to fifteen pounds.....	15	
		£.3200
Two thousand tickets at thirty shillings each is..	£3000	
Two hundred pounds brought from the first class....	200	
		£.3200

II. And be it further enacted by the authority aforesaid, That it shall and may be lawful for the said managers to deduct out of the amount of every prize, fifteen per cent. to be applied as hereafter mentioned: But before any ticket shall be issued, the said managers shall give bond payable to his Excellency the Governor, and his successors, in the penal sum of five thousand pounds, with condition for their faithful discharge of the trust reposed in them by this Act; which bond shall be recorded in the county court of Craven, and any person injured may have judgment thereon against the managers.

III. And be it enacted by the authority aforesaid, That any person or persons purchasing a ticket or tickets in the first class of this lottery, shall have preference to the same number or numbers in the second class of said lottery, provided they make payment for the said ticket or tickets within forty days after drawing the first class, and that every ticket or tickets that shall be drawn prizes in the first class, shall be considered as continued on to the second class the property of the owner or owners thereof, unless they shall signify to the contrary within forty days after the drawing of the first class.

IV. And be it further enacted, That the said managers shall, before they enter on the execution of their office, before any Justice of the Peace for the county of Craven, take the following oath, to-wit: "I A. B. do solemnly "swear, that I will faithfully execute the office of manager to the Craven "county poor-house lottery, according to the directions of the Act of Assem- "bly in that case made and provided. So help me God."

V. And be it further enacted, That the said managers may also take fifty pounds as a satisfaction to themselves for keeping the accounts, drawing the lottery and the whole charges thereof.

VI. And be it enacted by the authority aforesaid, That the said managers shall within thirty days after the drawing of the second class, account for and pay unto the Wardens of the poor for the county of Craven, the sum raised by the said lottery; after deducting the sum of fifty pounds as allowed above, for the expences of the same, to be applied to the building of a poor-house in the said county, and to no other use or purpose whatsoever: And the said Wardens are hereby directed and required, to proceed as soon as may be, to purchase three acres of land in some convenient part of the said county, to erect the said buildings on, and to contract with some person or persons to erect, build and compleat the said poor-house.

VII. And be it further enacted, That the said three acres of land and the poor-house when compleated, shall be vested in the Wardens of the poor for the said county, and their successors in office forever, in trust to and for the only use and benefit of the poor of said county.

VIII. And be it enacted by the authority aforesaid, That the Wardens of the poor shall account to and settle with the county court of Craven for the expenditures of said money, and set up a fair copy of the same at the court-house of the county for the inspection of the public. (Passed Jan. 6, 1787.)

CHAPTER XXVI.

An Additional Act to an Act, entitled, "An Act for the Regulation of the town of New Bern and for other purposes."

Whereas it is necessary that the conduct of idle and disorderly slaves, free negroes, and persons of mixed blood in the said town, should be properly restrained, and that such regulations be made respecting them as will prevent the mischiefs and evils at present existing:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the said town to be appointed at their next annual election, and their successors, shall have full power and authority, and they are hereby directed to make such bye-laws and regulations with such penalties from time to time, for the restraint of idle and disorderly slaves, free negroes, and persons of mixed blood, as to them shall appear just and necessary. Provided, That the same be not incompatible with the laws of the State.

II. And be it further enacted by the authority aforesaid, That the said Commissioners and their successors, shall also from time to time make and adopt any laws or regulations that they may deem necessary, to prevent persons from trading or dealing with the slaves of either the inhabitants of the county of Craven or of the said town; and that all fines that the said Commissioners may levy for a breach of any of their laws or regulations, shall be recovered by warrant and determined before a Justice of the Peace. Provided nevertheless, That nothing herein contained shall be construed to prevent or debar any person thinking him or herself aggrieved by the decision of any Justice on such warrant, from a right of appeal to the court of Craven county, first giving sufficient security, where the cause shall be tried de novo by the Justices of the said court or by a lawful jury at the option of the appellant, at the first court to which the appeal is made.

And whereas by an Act of Assembly passed at New Bern the fifth day of December, one thousand seven hundred and sixty-seven, entitled, "An "Act for investing certain lots in the town of New Bern in his Excellency "the Governor and his successors," in the fifth section of the said recited Act, it appears that Eden street was then vested in his Excellency the Governor, which has been prejudicial to the inhabitants of said town:

III. Be it enacted by the authority aforesaid, That it shall and may be lawful for the said Commissioners or a majority of them, at their first meeting, to cause that part of Eden street which extends from Trent river to Pollock street, and which was by the before recited Act vested in the Governor, to be again opened for the benefit of the public in the same manner as any other street in the said town, any law to the contrary notwithstanding; and that so much of the afore recited Act as comes within the

purview of this Act, shall be and is hereby declared to be repealed and made void. Provided, That nothing in this Act contained shall extend to enable the said Commissioners to encroach on any of the public buildings, or on any part of any of the lots purchased for the public in the said town. (Passed Jan. 6, 1787.)

CHAPTER XXVII.

An Act to Authorise the late Commissioners of Specific Supplies for the Several Counties therein mentioned, to collect the Arrearages of Specific Taxes yet due from the Inhabitants thereof.

Whereas the specific taxes heretofore assessed on the inhabitants of the counties of Bartie, Burke, Rutherford, Randolph, Tyrrel and Franklin, have not been fully collected, and it may be doubted how far the late Commissioners appointed for the collection of the said taxes have now a power for that purpose, or whether they have any at all:

I. Be it therefore enacted, That every person who has been duly appointed a Commissioner of specific supplies in any of the said counties for any one or more years, who has not fully collected the specific tax due from the inhabitants of the county in which he was appointed a Commissioner for any such year, his executors, administrators, or appointee shall have full power and lawful authority, and the said Commissioner, his executor, administrator or appointee, is and are hereby required to collect the same within twelve months at farthest after the passing of this Act, and to use all and every the methods to inforce the payment of the said tax where the same may be necessary, as such Commissioner was lawfully invested with the power of using when the said tax became due; but every person owing the same or any part thereof, shall when called upon for payment thereof under this Act, pay the said tax in currency, according to such rates of commutation for money as were established by the respective Acts under which such taxes severally became due, and where no such rates were then established, according to the rates affixed by the last specific tax law.

II. And be it further enacted, That the residue of the said taxes now due, when collected, shall be accounted for in such manner and according to such rules and regulations as are prescribed for Collectors of public monies, and shall be subject to the same penalties for neglect or refusal.

III. And be it further enacted, That in all cases where any person shall alledge that the said tax assessed upon him or her in any year or part thereof has been paid, and that he or she either did not take a receipt for the same or that the receipt has been lost, mislaid or destroyed, it shall be lawful for such person to make oath thereof before some Justice of the Peace, or affirmation, and such oath or affirmation shall be held and taken as a sufficient proof that the said tax was paid or part thereof, and shall operate as a full discharge of the same, or such part thereof as the payment of shall be so sworn or affirmed to. Provided, That this Act shall not enable any Commissioner, his executor, administrator or appointee, to collect more than a single tax for any particular year from any person whatsoever. (Passed Jan. 6, 1787.)

CHAPTER XXVIII.

An additional Act to an Act, entitled, "An Act to amend an Act passed at New Bern, the first day of December, one thousand seven hundred and sixty-six, entitled, "An Act for establishing a School house in the town of New Bern."

Whereas the New Bern Academy established by the before recited Act will promote the valuable and useful purposes for which it was intended if properly encouraged; and as it hath been represented to this General Assembly that a lot of land with the improvements thereon in the town of New Bern, commonly called and known by the appellation of the Glebe, which was formerly purchased at the expence of the inhabitants of the county of Craven for the residence of a minister of the Episcopal church, would tend to the increase of the funds of the said academy, if the same was vested in the trustees thereof:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the lot of land in the town of New Bern, situate on Middle and Johnston streets, and known and described in the plan of the said town by the number three hundred and twenty-two, together with all the improvements thereon, be, and it is hereby declared to be vested in the trustees for promoting and establishing the New Bern Academy, and their successors forever, in trust to and for the benefits, uses and purposes of the academy; and the said trustees or a majority of them, at their first meeting after the passing of this Act, may take possession of the said lot and improvements, and rent or otherwise dispose of the same in such manner as to them may appear most advantageous to the said academy. (Passed Jan. 6, 1787.)

CHAPTER XXIX.

An Act for Improving the Navigation to New Bern.

Whereas it is represented to this General Assembly that the navigation for small vessels from New Bern to Ocracock Bar and Beaufort, may be greatly facilitated by cutting a canal across a certain point of marsh from Turnagin-Bay to Long-Bay; and that the property of the marsh, so much of it as hath been surveyed, is vested in Richard Blackledge and Abner Neale, who have consented that a canal shall be opened through the same:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Richard Wade, Asa Bishop and John Bragg, shall be and are hereby constituted Trustees for receiving subscriptions for the purpose of opening a canal across the point of marsh from Turnagin-Bay to Long-Bay; and they are hereby authorised to sue for and recover all such sums of money as shall be subscribed for that purpose, and the canal when they shall have opened the same, shall be deemed a public canal and free for all vessels forever. (Passed Jan. 6, 1787.)

CHAPTER XXX.

An Act for Annexing part of the County of Craven to Pitt County.

Whereas many of the inhabitants of the county of Craven have petitioned to be annexed to the county of Pitt:

I. Be it therefore enacted by the General Assembly of the State of

North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, all that part of the county of Craven, included in the following bounds, beginning at the Pitt line where Creeping Swamp intersects the same, thence down the run or middle of the said swamp to the run or middle of the Clay-root Swamp, thence down the run of the said Clay-root Swamp to the run of Swift's Creek Swamp, thence up the run of the same to Isaac Gardener's Ford, or path across the same, thence a direct line to the lower landing on Grindal Creek, which is in about half a mile of the said creek, thence down the said Grindal Creek to the river Neuse, thence up the meanders of the said river Neuse to the mouth of Great Contentney Creek, thence up the said creek to the mouth of Little Contentney Creek, then up the same to the line of the county of Pitt, be, and the same is hereby annexed to, and shall be and remain a part of the county of Pitt: Provided always, nothing in this Act shall be understood to prevent the Sheriff of Craven from collecting all public taxes, that now are or may be due for the year one thousand seven hundred and eighty-six, in that part of the said county which comes within the description of this Act.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, the county of Craven shall send six jurors, and the county of Pitt six jurors to the Superior Court. (Passed Jan. 6, 1787.)

CHAPTER XXXI.

An Act to repeal part of an Act passed at New Bern the twenty-ninth day of December, seventeen hundred and eighty-five, entitled, "An Act for destroying Wolves, Panthers, Bears, Crows and Squirrels in the several Counties therein mentioned."

I. Be it enacted by the General Assembly of the State of North Carolina, and it is enacted by the authority of the same, That from and after the passing of this Act, the before recited Act, and every article thereof as far as relates to the counties of Wake, Rutherford, Mecklenburgh, Dobbs, Brunswick, Tyrrel, Wilkes and Surry, be, and the same is hereby repealed and made utterly void, so far as the same provides for the killing and destruction of crows and squirrels. (Passed Jan. 6, 1787.)

CHAPTER XXXII.

An Act for dividing the County of Davison.

Whereas from the extent of the county of Davison, it renders it very inconvenient and troublesome to many of the inhabitants thereof to attend the courts, general elections, and other public meetings appointed therein:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the said county of Davison be divided by a line beginning where the county line crosses the west fork of Stone's River, down the same to the junction with the main Stone's River, thence a direct line to the mouth of Drake's lick Creek, thence down Cumberland river to the mouth of Kaspus creek, thence up the said creek to the head of the Wartrace fork, thence a northwardly course to the Virginia line, at a point that will leave Red-River, old Station, one mile to the east; and all that part of Davison that lies to the west of the said line, shall continue and

remain the county of Davison; and all that part of the said county of Davison that lies east of the said dividing line, shall thenceforth be erected into a new and distinct county by the name of Sumner: And for the due administration of justice:

II. Be it enacted by the authority aforesaid, That the court for the said county of Sumner, shall be held constanly by the Justices thereof on the second Mondays of January, April, July and October in every year; and the Justices for the said county of Sumner are hereby authorised and empowered to hold the first court in the same at the house of John Hamilton, all subsequent courts for the said county on the days above appointed for holding the courts therein, at any place to which the said Justices shall from court to court adjourn themselves, until a court house shall be built for the said county of Sumner, and then all causes, matters and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court house; and all courts held in and for the said county of Sumner, shall be held by commission to the Justices in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are or shall be prescribed for other courts held for the several counties in this State.

III. And be it further enacted by the authority aforesaid, That nothing herein contained shall be construed to debar the late Sheriff and Collector of Davison county, as the same stood undivided, to make distress for any levies, fees or other dues, now actually due or owing from the inhabitants of the said county of Davison as it formerly stood undivided, in the same manner as by law the said Sheriff or Collector could or might have done if the said county had remained undivided; and the said levies, fees and other dues shall be collected and accounted for in the same manner as if this Act had never been made; anything herein contained notwithstanding.

IV. And be it further enacted by the authority aforesaid, That the county Treasurer of the said county of Sumner, shall from time to time account for and pay to the public Treasurer of the state for the time being, all public levies by him collected, or wherewith he shall stand chargeable, in the same manner and under the like pains and penalties as other county Treasurers.

V. And be it further enacted by the authority aforesaid, That Daniel Smith, Thomas Mullay and James Winchester, be appointed Commissioners, and they are hereby empowered and required to run the said dividing line between the counties of Davison and Sumner, agreeable to the directions of this Act; which said line when run by the Commissioners or a majority of them, shall be by them entered on record in the court of each of the said counties of Davison and Sumner, and shall be deemed and taken to be the dividing line between the said counties of Davison and Sumner.

VI. And be it further enacted by the authority aforesaid, That David Willson, William Hall, Daniel Smith, Joseph Kerkendall and Edward Douglass, the survivor or survivors of them, be and they are hereby empowered and directed to agree and contract with workmen for erecting and building a court house, prison and stocks for the said county of Sumner, at such place as they or a majority of them, or their survivor or survivors, shall agree upon: And for reimbursing the said Commissioners the money they shall expend in erecting the said buildings, and running the said dividing line between the said counties:

VII. Be it further enacted by the authority aforesaid, That a tax of one shilling on each poll, and a tax of four pence on each hundred acres of land, shall be and is hereby assessed on the taxable property in the said county of Sumner for two years, to commence from the passing of this Act; and

that all persons who shall refuse or neglect to pay the said tax at the time limited for the payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; and Collectors of the said county of Sumner, are hereby required and directed to account for and pay the money by them collected to the Commissioners aforesaid, after deducting two and an half per cent. for the trouble of collecting the same, and in case of failure or neglect in any of the said Collectors, each Collector so failing or neglecting shall be liable to the same penalties and recoveries as by law may be had against Collectors of public taxes in like cases.

VIII. And be it further enacted by the authority aforesaid, That all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the county court of Davison, shall continue and may be prosecuted to final end and determination, any thing in this act notwithstanding.

IX. And be it further enacted, That the court of the said county of Sumner shall appoint sixteen jurors to attend at every superior court that shall be held for the county of Davison. And whereas doubts have arisen respecting the rights of Surveyors to the warrants issued or may hereafter issue by virtue of entries made in counties previous to a division of such counties:

X. Be it therefore enacted by the authority aforesaid, That where any entry hath been or may hereafter be made, or any warrants issued in any county previous to the division of the same, the warrants shall be directed to the Surveyor of the county where the entry was made; and he is hereby required to survey the same and make return thereof in the same manner as if no such division had taken place; any law to the contrary notwithstanding.

XI. And be it further enacted by the authority aforesaid, That the inhabitants of the said county of Sumner shall be liable to pay towards the support of the troops to be raised for the defence of the inhabitants of the Cumberland settlement, in the same proportion as though they had remained a part of the county of Davison; and the Collectors of the specific tax in the said county of Sumner for the support of the said troops, shall have as full and ample powers to collect and distrain for the same as if the said county of Davison had remained undivided; any law, usage or custom to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER XXXIII.

An Act for the Better Regulation of the Town of Hillsborough.

Whereas it is the interest of this State to regulate the towns thereof and encourage their trade, and the laws heretofore made for regulating the town of Hillsborough have proved defective and inconvenient:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the books in which the proceedings of the Commissioners have been entered by themselves or their Clerks respecting the election of Commissioners, granting and conveying lots, drawing lots, orders and settlements with respect to town monies, and all the proceedings agreeable to the acts heretofore passed for the regulation of the said town, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity.

II. Be it further enacted by the authority aforesaid, That seven Commissioners shall be chosen on the first Saturday in February next, and the

Sheriff of Orange or his deputy is hereby required to attend at the court-house, or some convenient place in the said town on the same day, and at the hour of ten o'clock in the morning, to open the poll and receive the tickets in the presence of two inspectors; and when the election shall be finished, such returning officer and inspectors shall in the presence of such of the electors as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected; and in like manner the said Sheriff or the Coroner, first giving ten days notice by public advertisement, shall on the first Saturday in February in every year afterwards, in the same manner open the poll, receive the tickets and proclaim the Commissioners for the ensuing year, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt in the court of the county of Orange, by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor, the other half to be paid to the Treasurer of the town for the use of said town; and the Commissioners so chosen shall before they enter on the execution of their office take the following oath: "I A. B. "do swear, that I will faithfully discharge the office of Commissioner for "the town of Hillsborough, agreeable to law and to the best of my knowledge "and judgment."

III. And be it further enacted by the authority aforesaid, That the Commissioners shall appoint one of their body to act as Treasurer of the town for that year, to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose; and upon the appointment of a new Treasurer the old one shall immediately pass his account with him, and pay any balance there may be in his hands: Provided, That before such Treasurer enters upon his office, he shall give his bond with good security payable to the Commissioners for the faithful discharge of his duty.

IV. And be it further enacted by the authority aforesaid, That the Commissioners of the said town shall choose and appoint a proper person to be their Clerk, to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the said Commissioners and their successors, with two securities in the sum of one hundred and fifty pounds lawful money of this State, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the Commissioners during his continuance in the said office; and the said Clerk is hereby authorised and requested to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers belonging to the said town, which were in the possession and care of the former Commissioners, to which books, journals and papers all persons shall have free access on paying one shilling, under the penalty of forty shillings for every refusal.

V. And be it further enacted by the authority aforesaid, That the Commissioners of the town so chosen and qualified agreeable to the directions of this Act, shall have full power and authority to lay a tax not exceeding the sum of eight shillings on every poll belonging to the said town, which tax shall be collected by a warrant under the hands and seals of the Commissioners, directed to such persons as they appoint for that purpose; and the Collector to be appointed as aforesaid is hereby impowered and directed to collect and make distress for the same in like manner as Collectors of public taxes; and the monies arising therefrom, after deducting one and a half per cent. for commissions, shall by him be paid into the hands of the

town Treasurer, to be by the Commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such other public work and business as the Commissioners may deem necessary.

VI. And be it further enacted by the authority aforesaid, That if any commissioners shall (after notice or summons subscribed by three of the commissioners and countersigned by the clerk, such notice or summons to contain the time and place of meeting, and to be served twelve hours at least previous to such meeting) fail to give his attendance, he shall forfeit and pay ten shillings, unless prevented by sickness or such other cause as shall be satisfactory to a board of commissioners, which shall not consist of less than a majority of the whole number, such fine or forfeiture to be recovered by a warrant from a justice, and applied as the fines heretofore mentioned.

VII. And be it further Enacted by the authority aforesaid, That the commissioners of the said town are hereby empowered and authorised to employ the surveyor of the county of Orange, to survey and lay out the said town, agreeable to the original plan thereof, and to mark the same.

VIII. And be it further Enacted by the authority aforesaid, That the inhabitants of the said town, shall and may be at liberty after the passing of this Act, to raise swine, geese, or any other stock, and suffer them to run at large in the said town; any law heretofore to the contrary notwithstanding.

IX. And be it further Enacted by the authority aforesaid, That all unimproved lots within the town aforesaid shall pay a tax of five shillings yearly, to be collected at the same time, and as other taxes imposed by this Act.

X. And be it further Enacted by the authority aforesaid, That all and every other Act and Acts, and every clause and article thereof heretofore made within the purview of this Act, is and are hereby repealed to all intents and purposes. (Passed Jan. 6, 1787.)

CHAPTER XXXIV.

An Act for Dividing the County of Sullivan.

Whereas the extent of Sullivan county being one hundred and fifty miles in length, the settlements thereof and different water courses in the same, render it inconvenient and troublesome to many of the inhabitants thereof, to attend the courts and general elections, and other public meetings appointed therein:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said county of Sullivan be divided in the following manner, beginning where the boundary line between the commonwealth of Virginia and the State of North Carolina crosses the north fork of Holston's river, thence down said fork to its junction with the main Holston's river, thence cross said river due south to the top of Bayes mountain, thence along the top of the said mountain and the top of the dividing ridge between the waters of Holston's river and French Broad river to its junction with Holston's river, thence down said river Holston to its junction with the Tenasee river, thence down the same to the Suck where the said rivers run through Cumberland mountain, thence along the top of said mountain to the aforesaid boundary line, and thence along said line to the beginning: And that all that part of Sullivan county on the east side of the north fork of Holston's river, shall continue and remain a distinct county by the name of Sullivan; and all that other part which lies west of said north fork of Hol-

ston shall thenceforth be erected into a new and distinct county by the name of Hawkins: And for due administration of justice,

II. Be it Enacted by the authority aforesaid, That a court for said county of Hawkins shall be held constantly by the justices thereof on the first Mondays of March, June, September and December, and the justices for the said county of Hawkins are hereby authorised and empowered to hold the first court in the same at the house of Thomas Gibbins; all subsequent courts for said county on the days appointed for holding courts therein, at any place to which the said justices shall from court to court adjourn themselves, until a court house, prison and stocks shall be built for said county of Hawkins; and then all causes, matters and things depending in said court, and all manner of processes returnable to the same, shall be adjourned to such court house; and all courts held in and for said county of Hawkins shall be held by commission to the justices in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are, or shall be prescribed for other courts held for the several counties in this State.

III. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be construed to debar the former sheriff and collectors of said county of Sullivan as the same stood undivided, to make distress for any levies, fees or other dues now actually due and owing from the inhabitants of said county as it formerly stood undivided, in the same manner as by law the said sheriff or collectors could or might have done, if the same had remained undivided; and the said levies, fees and other dues shall be collected and accounted for in the same manner, as if this Act had never been made; any thing to the contrary notwithstanding.

IV. Be it further Enacted by the authority aforesaid, That after the passing of this Act, the said county of Hawkins shall be continued and remain part of the district of the superior court of law and equity usually held for the district of Washington: And the said county treasurer of the said county of Hawkins shall from time to time account for, and pay to the public treasurer of this State for the time being, all public levies by him collected or wherewith he shall stand chargeable, in the same manner, and under the like pains and penalties as other county treasurers.

V. And be it further Enacted by the authority aforesaid, That Lewis Widener, John Miller, Hutson Johnston, Francis Doherty, Joseph Cloud, William Reid and John Carnes, be appointed commissioners, and they are hereby empowered, or a majority of them, to fix upon the most convenient or centrical place for building and erecting a court house, prison and stocks for said county of Hawkins.

VI. And be it further enacted by the authority aforesaid, That all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the county court of Sullivan, shall continue and may be prosecuted to a final end and determination, any thing in this Act to the contrary notwithstanding.

VII. And be it Enacted by the authority aforesaid, That a tax not exceeding one shilling and sixpence per poll, and sixpence per hundred acres of land, shall and may be levied upon the inhabitants of the county of Hawkins, for building and erecting a court house, prison and stocks in said county: And the sheriff or collector of said county shall have full power and authority to collect and distrain for the same in like manner as in other public taxes provided, and shall be accountable in like manner, after deducting the usual per cents. for collecting the same and shall pay said money so collected into the hands of Lewis Widener, Nathaniel Henderson and Thomas

Gibbins or their survivors, who shall erect, build, or let the building or erecting said court house, prison and stocks to the lowest bidder, who shall give bond and security for the due performance thereof.

VIII. Be it Enacted by the authority aforesaid, That the said county of Hawkins, shall send three jurors to the superior court of the district of Washington. (Passed Jan. 6, 1787.)

CHAPTER XXXV.

An Act for the Better Regulation of the Town of Halifax, and Extending the Liberties Thereof; and for Altering the Mode of Laying and Levying Taxes in the Town of Edenton.

Whereas it is the interest of every State to regulate the police of its towns and encourage their trade, and the laws heretofore made for regulating the town of Halifax have proved defective and inconvenient: And whereas for many years during the late war no commissioners were chosen, and some lots may remain unconveyed to the proprietors, and doubts may arise concerning the titles to the same:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the books in which the proceedings of the commissioners have been entered by themselves or their clerks respecting the election of commissioners, laying taxes, granting and conveying lots, drawing lots, orders and settlements with respect to the town monies, and all the proceedings agreeable to the Acts heretofore passed for the regulation of the said town, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity.

And whereas the election of commissioners hath sometimes lapsed, owing to its not being the duty of any particular person to notify and direct the same:

II. Be it further Enacted by the authority aforesaid, That five commissioners shall be chosen on the first Saturday in February next, and the sheriff of Halifax or his deputy is hereby required to attend at the court house, or some convenient place in the said town on the same day, and at the hour of ten o'clock in the morning, to open the poll and receive the tickets in the presence of two inspectors; and when the election shall be finished, such returning officer and inspectors shall in the presence of such of the electors as choose to attend, examine and number the ballots, and the person having the greatest number of ballots shall be declared duly elected; and in like manner the said sheriff or his deputy, first giving ten days notice by public advertisement, shall on the first Saturday in January in every year afterwards, in the same manner open the poll, receive the tickets and proclaim the commissioners for the ensuing year, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt in the court of the county of Halifax, by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor, the other to be paid to the treasurer of the town for the use of the said town; and the commissioners so chosen shall before they enter on the execution of their office take the following oath: "I, A. B. do swear, that I will faithfully discharge the office of commissioner for the town of Halifax, agreeable to law and to the best of my knowledge and judgment."

III. And be it further Enacted by the authority aforesaid, That the commissioners shall appoint one of their body to act as treasurer of the town for

that year, to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose; and upon the appointment of a new treasurer the old one shall immediately pass his accounts with him, and pay any balance that may be in his hands: Provided, That before such treasurer enters upon his office, he shall give his bond with good security payable to the commissioners for the faithful discharge of his duty.

IV. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall choose and appoint a proper person to be their clerk of the said town, to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the commissioners of the said town and their successors, with two sufficient securities in the sum of two hundred pounds lawful money of this State, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the commissioners during his continuance in the said office. And the said clerk is hereby authorised and requested to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers belonging to the said town, which were in the possession and care of the former commissioners; to which books, journals and papers all persons shall have free access on paying two shillings, under the penalty of forty shillings for every refusal.

V. And be it further Enacted by the authority aforesaid, That the commissioners of the town so chosen and qualified agreeable to the directions of this Act, shall be and they are hereby incorporated into a body politic and corporate by the name of the commissioners of Halifax, and by that name to have annual succession by the election of the freeholders and freemen as by this Act is directed, and a common seal; and that they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever, in trust of the said town, any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant, sell, demise, alien or dispose of the same, also to receive and take any gift or donations whatsoever to the said town; and also by the same name to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever, and from time to time and at all times hereafter to make such rules, orders, regulations and ordinances as to them shall seem meet, for repairing the streets, appointing a town constable or constables, town watches or patroles, and making proper allowances by fees or otherwise for such services, and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said town, and the said rules, ordinances and regulations from time to time to alter, change, amend and discontinue, as to the said commissioners or a majority of them shall appear necessary; and also shall have full and ample powers to enforce a compliance and observance to such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in the cases of slaves the punishment of thirty-nine lashes; the said penalty to be recovered, and the punishment inflicted in manner hereafter mentioned; Provided, That such rules and regulations are not inconsistent with the constitution and laws of the land.

And whereas the proper office of the said commissioners is that of making bye-laws and regulations for the government of the said town, and it has been found inconvenient and often impracticable to call together the said commissioners, for the immediate purpose of punishing offenders, whereby

the said regulations are never properly carried into effect; for remedy whereof,

VI. Be it Enacted by the authority aforesaid, That a proper person shall be elected at the time and in the manner herein directed for the election of commissioners, who shall be called the magistrate of police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders; and shall be, and is hereby authorised to issue his warrant, directed to the sheriff, deputy-sheriff or town constable, to summon all offenders against the laws, rules and ordinances made and provided for the regulation of the said town, to appear before him, and on their conviction, which shall be in the manner of trials before justices of the peace, the said magistrate is hereby required and authorised to give judgment and award execution agreeable to the laws, rules and ordinances provided for the government of the said town; which warrant or execution the said sheriff, deputy-sheriff or constable is hereby required to execute, and on such trials or enquiries is hereby authorised and declared to possess all the necessary powers to administer oaths, and subpoena and examine witnesses, and shall take the following oath before he enters on the execution of his office: "I, A. B. do solemnly swear, that as a magistrate of police for the town of Halifax, I will do equal right in all cases whatsoever to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the said town; all fines and amercements that may happen to be made, I will cause to be duly returned to the proper officer, and in all things belong to my office during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals."

And whereas the said town has been laid out on a narrow slip of land extending from Roanoke river towards Quankey creek, so that many persons live without the limits of the said town, yet are so necessarily connected therewith, that they ought to be within the rules and regulations made for the government of the said town:

VII. Be it Enacted therefore by the authority aforesaid, That the liberties, privileges, rules and regulations of the said town shall be enlarged and extended in manner and form following, to wit, Beginning at the north-west end of Water street, running thence the course of said street one quarter of a mile, thence south thirty-nine degrees west a parallel line with the plan of the town till it strikes Quankey creek, thence down the meanders of said creek to the river, thence up the river to the north-east end of Water street.

VIII. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall annually levy a tax not exceeding eight shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds in taxable property; which tax shall be collected by a warrant under the hands and seals of the commissioners, directed to such persons as they appoint for that purpose; and the collector to be appointed as aforesaid, is hereby empowered and directed to collect and make distress for the same in like manner as collectors of public taxes, and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the town treasurer, to be by the commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such other public work and business as the commissioners may deem necessary.

And the more effectually to ascertain the taxable property within the said town:

IX. Be it Enacted by the authority aforesaid, That every inhabitant thereof shall yearly, at the time he shall give in his taxable property to be assigned for the use of the State, distinguish in the list he shall return, what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the commissioners shall and may order the town tax to be levied for the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town; any thing herein contained to the contrary notwithstanding. And it is hereby declared, that every person inhabiting or occupying any house or other building or improvement, or lot within the said town, shall be liable to the payment of the tax thereon unless the same shall have been returned by some other inhabitant.

And whereas encroachments may be made on the streets of the said town by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being comunicated across the streets thereby: For remedy whereof,

X. Be it Enacted by the authority aforesaid, That the commissioners of the said town are hereby empowered and requested to order all such encroachments from which danger may be apprehended, to be removed, under such penalties as they may think necessary to impose; and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended, the said commissioners shall impose a ground rent not exceeding forty shillings, to be annually paid for each piazza, porch, platform or other encroachments on the street adjoining to or being before any one house or tenement, to be applied to the public stock of the said town: And if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seals of the commissioners, directed to a constable or other officer to be by them appointed, on the goods and chattels of the delinquents. Provided always, That uncovered piazzas or platforms, and uncovered porches, not exceeding eight feet wide including steps and cellar doors, shall not be liable to pay any ground rent; any thing herein contained to the contrary notwithstanding.

XI. And be it further Enacted by the authority aforesaid, That no person shall be deemed qualified to act as a commissioner of the town of Halifax, unless he is an inhabitant of the said town or the liberties thereof, and hath a lot or land therein, with a house on the same of no less dimensions than twenty-four feet long and sixteen feet wide, with a brick chimney to the same; and every person who is a freeholder in the said town or the liberties thereof, and every freeman who has resided therein six months and has paid public taxes, shall be qualified to vote for the said commissioners.

XII. And be it further Enacted, That the said commissioners are hereby fully authorised and particularly required and directed, to make such laws and regulations as they may deem necessary to prevent hogs running at large in the said town, slaves from keeping houses without a licence from the commissioners, and to prevent all persons from dealing with slaves not having tickets from their masters, mistresses or overseers, and to make such other and further laws and regulations respecting the same as they may think expedient: Provided nevertheless, That the regulations respecting hogs or other stock shall not be considered to extend beyond the present limits of the town, so as to authorise any person residing in the liberties thereof to seize, kill, or destroy the same, or any hog or hogs found running at large therein, subject to be seized, forfeited or destroyed. And provided

also, That the powers hereby committed to the said commissioners, shall not be construed to extend to the imprisonment of any slave as a punishment, or in any instance to exceed the punishment of thirty-nine lashes.

And whereas the mode of laying and collecting the taxes in the town of Edenton, has been found extremely unequal and inconvenient:

XIII. Be it Enacted, That the mode of laying, levying, collecting and accounting for the taxes laid by the commissioners of the said town of Edenton, shall from and after the passing of this Act, be in the same manner as directed by this Act for the town of Halifax. (Passed Jan. 2, 1787.)

CHAPTER XXXVI.

An Act for Erecting a Prison in the County of Franklin.

Whereas the prison in the county of Franklin hath been burned, and it is necessary that another should be built for the use of the said county:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Benj. Seawel, Jenkins Devance, Thomas Stokes and Jordan Hill, or any three of them, be and are hereby nominated and appointed commissioners, trustees and directors, and in case of the death, incapacity, refusal to Act, or removal of any of the commissioners, trustees or directors, the court of the said county is hereby directed to appoint others to Act in their stead, for building and erecting a good and sufficient prison for the use of the county aforesaid; and for that purpose to contract and agree with proper persons for compleating and finishing said prison in such manner as they shall think convenient.

II. And be it further Enacted by the authority aforesaid, That a tax of one shilling per poll, and also a tax of four pence specie on every hundred acres of land, be levied within the said county of Franklin for the year one thousand seven hundred and eighty-seven, to be collected by the same person or persons, and in the same manner as other taxes are collected within the said county, and accounted for and paid to the said commissioners, trustees and directors at the same time, and in the same manner and under the like penalties and restrictions as by law is directed for collecting, accounting for and paying public taxes.

III. And be it further Enacted by the authority aforesaid, That before the said commissioners, trustees or directors shall enter upon their said trust, or take into their hands any of the monies aforesaid, they shall enter into bond in the sum of eight hundred pounds specie, payable to the justices of the court of said county, with condition for the faithful discharge of the trust reposed in them by this Act.

IV. And be it further Enacted by the authority aforesaid, That if the monies arising by virtue of this Act, be more than sufficient to compleat the building hereby directed, the surplus thereof shall be paid by the said commissioners, trustees or directors to the court of the said county, by them to be applied towards lessening the county tax.

V. And be it further Enacted by the authority aforesaid, That in case any county within this State should by any means be without a gaol, and the bail of any debtor shall surrender the principal to the custody of the sheriff, or where the debtor shall neglect or refuse to give bail, then and in either of the cases aforesaid, it shall and may be lawful for the proper officer, and he is hereby authorised and required to commit such debtor so surrendered,

neglecting or refusing to give bail as aforesaid, to the public gaol of the district.

VI. And be it further Enacted by the authority aforesaid, That after the passing of this Act it shall not be lawful to commit any criminal to the county gaol, but all criminals shall in future be committed to the public gaol of the district. (Passed Jan. 6, 1787.)

CHAPTER XXXVII.

An Act to Release the Estate of John Anderson, Deceased, Late of Guilford County, from the Forfeiture of a Recognizance Entered Into for the Appearance of a Certain John M'Rory Before the Superior Court of Salisbury District.

Whereas John Anderson was bound in a recognizance in the sum of one hundred pounds, for the appearance of a certain John M'Rory before the superior court of Salisbury district, to answer a certain charge then and there to be exhibited against him: And whereas it is fully and clearly made appear to this General Assembly, that the said John Anderson at the time the said superior court set, was lying sick, of which sickness he died the second day after the rise of the said court and thereby rendered unable to produce the body of the principal:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the estate of the said John Anderson, deceased, be released and fully discharged from the forfeiture and judgment aforesaid, in the same manner as if the said recognizance and judgment had never been made. (Passed Jan. 6, 1787.)

CHAPTER XXXVIII.

An Act to Alter the Time of Holding the County Court of Pleas and Quarter Sessions in the County of Mecklenburgh, and Other Counties Therein Mentioned.

Whereas it is represented to this General Assembly, that the time for holding the county court of pleas and quarter sessions in Mecklenburgh county, is extremely inconvenient by reason of the court for the month of June happening in the time of wheat harvest: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That in future the said county court of pleas and quarter sessions shall be held on the fourth Mondays in January, April, July and October in each year; to which time all matters and things in the said court depending, shall stand adjourned and continued from the court which will be next in course after the passing of this Act.

II. And be it further Enacted, That the courts for the county of Halifax, after the next sessions for said county, shall be held on the first Mondays in May, August, November and February in each year; and the courts for the county of Warren shall, after the next sessions for said county, be held on the fourth Mondays in May, August, November and February in each year; and the courts for the county of Edgecombe shall be held, after the next sessions for said county, on the fourth Mondays in April, July October and January in each year; and writs and processes of every kind shall be

made returnable accordingly, and all proceedings in the said courts respectively shall stand continued to the respective terms as by this Act established, and be valid in law, any thing to the contrary notwithstanding. And the courts for the county of Pitt shall be held, after the next sessions for said county, on the third Mondays in April, July, October and January in each year. (Passed Jan. 6, 1787.)

CHAPTER XXXIX.

An Act for Adding Part of Wake County to Franklin County.

Whereas it is represented to this General Assembly, that it would greatly add to the ease and convenience of a number of the inhabitants of Wake county, if that part of the said county lying east of Mockison Swamp, was added to and made a part of Franklin county:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all that part of the county of Wake lying east of Mockison Swamp, and a line running from the head of the westernmost prong thereof a north course to the Franklin line, be, and the same is hereby added to and made a part of Franklin county.

II. And be it further Enacted by the authority aforesaid, That Thomas Hines, John Humphries, Durham Hall and John Hunt, be, and they are hereby appointed commissioners, to run a line from the westernmost prong of the said swamp to the Franklin county line aforesaid; and the commissioners aforesaid when they shall have run the said line, shall make return thereof to the courts of the said counties respectively, who shall cause the same to be recorded.

III. And be it further Enacted, That nothing herein shall restrain or hinder the sheriff of the county of Wake as it now stands, to make distress for any public or county dues now due or owing, or that shall be due for the year one thousand seven hundred and eighty-six, from the inhabitants hereby annexed to the county of Franklin. (Passed Jan. 6, 1787.)

CHAPTER XL.

An Act for Dividing the County of Bladen.

Whereas the extent of the county of Bladen and different water courses in the same, render it inconvenient and troublesome to many of the inhabitants thereof to attend the courts and general elections, and other public meetings appointed therein:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said county of Bladen be divided as follows: Beginning on Drowning creek where South Carolina line crosses said creek, thence up said creek to the mouth of the Great Swamp, thence a direct line to a point on the main road five miles westwardly of the bridge on said Great Swamp as the road now runs, thence running a straight line to Cumberland county touching at Stewart's mills on Rockfish; and all that part of the late county of Bladen lying east of said line, shall continue and remain a distinct county by the name of Bladen, and all that other part of the said county of Bladen lying west of said line, shall thenceforth be erected into a

new and distinct county by the name of Robeson. And for the due administration of justice:

II. Be it Enacted by the authority aforesaid, That a court for the said county of Robeson shall be held constantly on the second Mondays in February, May, August and November, and the justices for the said county of Robeson are hereby authorised and empowered to hold the court for the same at the house of Captain John Willis, and to adjourn to such other place as they may judge most convenient, until a court house shall be built for said county; and all courts held for, and in said county of Robeson, shall be held by commission to the justices in the same manner, and under the same rules and restrictions, and shall have and exercise the same power and jurisdiction, as are, or shall be prescribed for other courts held for the several counties in this State.

III. And be it further Enacted, That nothing herein contained shall be construed to debar the sheriff and the collectors for the said county of Bladen as the same stood undivided, to make distress for any levies, fees or other dues now actually due and owing from the inhabitants of said county as it formerly stood undivided, in the same manner as by law the sheriff or collectors could or might have done, if the said county had remained undivided; and the said levies, fees and dues shall be collected and accounted for in the same manner, as if this Act had never been made; anything to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That after the passing of this Act, the said county of Robeson shall be continued and remain part of the district of Wilmington: And the said county treasurer of the said county of Robeson, shall from time to time account for, and pay to the public treasurer of this State, all public levies by him collected wherewith he shall stand chargeable, in the same manner, and under the like pains and penalties as other county treasurers.

V. And be it further Enacted by the authority aforesaid, That Joseph Cain, David Russ, James Council, William Grey M'Daniel, John Regan, William Moore and Ralph Regan, or a majority of them, be and they are hereby appointed commissioners, and hereby empowered and required to run the said dividing line agreeable to the direction of this Act; which said line when run by said commissioners, shall be by them entered in the court of each of the said counties, and shall thereafter be deemed and taken to be the dividing line between the said counties of Bladen and Robeson.

VI. And be it further Enacted by the authority aforesaid, That John Cade, Jacob Alford, Jesse Jernagen, sen., John Willis, Patrick Travis, Elias Barnes, and Alexander M'Neal, the survivor or survivors of them, be and are hereby empowered and directed to agree and contract with workmen for erecting and building a court house, prison and stocks, for use of said county of Robeson, at such place as they or a majority of them, or their survivors, shall agree upon.

And for reimbursing the said commissioners the money they shall expend in erecting the said buildings, and running the dividing line between the said counties:

VII. Be it Enacted by the authority aforesaid, That a tax of one shilling on each poll, and a tax of four pence on every hundred acres of land, shall be, and is hereby assessed on the taxable property of said county of Robeson for two years, to commence from the passing of this Act; and all persons who shall refuse or neglect to pay the same at the time limited for the payment of public taxes, shall be liable to the same penalties and distress as non-payment for public taxes; and the collectors for public taxes are

hereby required and directed to account for and pay the monies by them collected to the commissioners aforesaid, after deducting two and a half per cent. for their trouble of collecting; or in case of failure of any of the said collectors, such collector so failing or neglecting, shall be liable to the same penalties and recoveries as by law may be had against collectors of public taxes in like cases.

VIII. And be it further Enacted by the authority aforesaid, That all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the county court of Bladen, shall continue and may be prosecuted to a final end and determination, any thing in this Act to the contrary notwithstanding.

IX. And be it further Enacted, That the said county court of Robeson shall appoint four jurors to attend at said district court; and the county of Bladen shall also furnish four jurors and no more. (Passed Jan. 6, 1787.)

CHAPTER XLI.

An Act to Amend an Act, Entitled, "An Act for the Regulating the Town of Salisbury in the County of Rowan, and for Regulating the Town of Windsor in Bertie County."

Whereas it is the interest of every State to regulate the police of its towns and encourage their trade, and the laws heretofore made for regulating the said town of Salisbury having proved defective:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That five commissioners shall be chosen on the first Saturday in February next, and the sheriff of Rowan county or his deputy is hereby required to give notice, attend at the court house on the same day, and at the hour of ten o'clock in the forenoon, open the poll and receive the tickets in the presence of two inspectors; and when the election shall be finished, such returning officer and inspectors shall in the presence of such of the electors as choose to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected; and in like manner the said sheriff or his deputy, first giving ten days notice by public advertisement, shall on the first Saturday in February in every year afterwards, in the same manner open the poll, receive the tickets and proclaim the commissioners for the ensuing year, under the penalty of twenty-five pounds for every neglect or refusal, to be recovered by action of debt in the court of the county of Rowan, by any person who shall sue for the same in six months after such neglect or refusal, one half to the prosecutor, the other half to be paid to the treasurer of the town for the use of the said town; and the commissioners so chosen shall before they enter on the execution of their office take the following oath: "I, A. B. do swear, that I will faithfully discharge the office of commissioner for the town of Salisbury, agreeable to law and to the best of my knowledge and judgment."

II. And be it further Enacted by the authority aforesaid, That the commissioners shall appoint one of their body to act as treasurer of the town for that year, to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose; and upon the appointment of a new treasurer the old one shall immediately pass his account with him, and pay any balance there may be in his hands: Provided, That before such treasurer enters upon his office, he shall give his bond with

good security payable to the commissioners for the faithful discharge of his duty.

III. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall choose and appoint a proper person to be their clerk of the said town, to act as such during good behaviour, who shall be allowed a reasonable salary, and enter into bond to the commissioners of the said town and their successors, with two sufficient securities in the sum of one hundred pounds lawful money of this State, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care, and keeping a regular and fair journal of the proceedings of the commissioners during his continuance in the said office. And the said clerk is hereby authorised and requested to demand and receive from the person or persons in whose hands the same may be, all the books, journals and papers belonging to the said town; to which books, journals and papers all persons shall have free access on paying two shillings, under the penalty of one pound for every refusal.

IV. And be it further Enacted by the authority aforesaid, That the commissioners of the town so chosen and qualified agreeable to the directions of this Act, shall be and they are hereby incorporated into a body politic and corporate by the name of the commissioners of Salisbury, and by that name to have annual succession by the elections of the freeholders and freemen as by this Act is directed, and a common seal; and that they and their successors by the name aforesaid, shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever, in trust for the said town, any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant, sell, demise, alien or dispose of the same, also to receive and take any gift or donation whatsoever to the said town; and also by the same name to sue and implead, be sued and impleaded, answer and be answered, in all courts of record whatsoever, and from time to time and at all times hereafter to make such rules, orders, regulations and ordinances as to them shall seem meet, for repairing the streets, appointing a town constable or constables, town watches or patroles, and making proper allowances by fees or otherwise for such services, and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said town, and the said rules, ordinances and regulations from time to time to alter, change, amend and discontinue, as to the said commissioners or a majority of them shall appear necessary; and also shall have full and ample powers to enforce a compliance and observance to such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in the case of slaves the punishment of thirty-nine lashes; the said penalty to be recovered, and the punishment inflicted in manner hereinafter mentioned.

And whereas the proper office of the said commissioners is that of making bye-laws and regulations for the government of the said town, and it has been found inconvenient and often impracticable to call together the said commissioners, for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect: For remedy whereof,

V. Be it Enacted by the authority aforesaid, That a proper person, being a justice of the peace in the said town, shall be elected at the same time, and in the manner herein directed for the election of commissioners, who shall be called the magistrate of police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders; and shall be, and is

hereby authorised to issue his warrants, directed to the sheriff, deputy sheriff or town constable, to summon all offenders against the laws, rules and ordinances made and provided for the regulation of the said town, to appear before him; and on their conviction, which shall be in the manner of trials bejore justices of the peace, the said magistrate is hereby required and authorised to give judgment and award execution agreeable to the laws rules and ordinances provided for the government of the said town; which warrant or execution the said sheriff, deputy sheriff or constable is hereby required to execute, and on such trials or enquiries is hereby authorised and declared to posses all the necessary powers to administer oaths, and subpoena and examine witnesses, and shall take the following oath before he enters on the execution of his office: "I, A. B. do solemnly swear, that as a magistrate of police of the town of Salisbury, I will do equal right in all cases whatsoever to the best of my judgment, and according to the laws, rules and ordinances made for the good government of the said town; all fines and amercements that may happen to be made, I will cause to be duly returned to the proper officer, and in all things pertaining to my office during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals." Provided always, That where any person shall think him or herself aggrieved by the judgment of the said magistrate of police, such person shall have the right of appealing from the said judgment to the court of pleas and quarter sessions for the county of Rowan.

VI. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall annually levy a tax not exceeding six shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds in taxable property; which tax shall be collected by a warrant under the hands and seals of the commissioners, directed to such persons as they appoint for that purpose; and the collector to be appointed as aforesaid is hereby empowered and directed to collect and make distress for the same in like manner as collectors of public taxes, and the monies arising therefrom, after deducting five per cent. for commissions, shall by him be paid into the hands of the town treasurer, to be by the commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such public work and business as the commissioners may deem necessary.

And the more effectually to ascertain the taxable property within the said town:

VII. Be it Enacted by the authority aforesaid, That every inhabitant thereof shall yearly, at the time he shall give in his taxable property to be assigned for the use of the State, distinguish in the list he shall return, what part thereof is situated within the said town; and if any inhabitants shall fail so to do, the commissioners shall and may order the town tax to be levied for the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town: any thing herein contained to the contrary notwithstanding. And it is hereby declared, that every person inhabiting or occupying any house or other building or improvement, or lot within the said town, shall be liable to the payment of the tax thereof unless the same shall have been returned by some other inhabitant.

And whereas encroachments may be made on the streets of the said town

by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being communicated across the streets thereby: For remedy whereof,

VIII. Be it Enacted by the authority aforesaid, That the commissioners of the said town are hereby empowered and requested to order all such encroachments from which danger may be apprehended, to be removed, under such penalties as they shall think necessary to impose; and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended, the said commissioners shall impose a ground rent not exceeding forty shillings, to be paid annually for each piazza, porch, platform or other encroachments on the street adjoining to or being before any one house or tenement, to be applied to the public stock of the said town: And if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seals of the commissioners, directed to a constable or other officer to be by them appointed, on the goods and chattels of the delinquent. Provided always, That uncovered piazzas or platforms, and uncovered porches, not exceeding seven feet wide including steps and cellar doors, shall not be liable to pay ground rent; any thing herein contained to the contrary notwithstanding.

IX. And be it further Enacted by the authority aforesaid, That no person shall be deemed qualified to act as a commissioner of the town of Salisbury, unless he is an inhabitant of the said town or the liberties thereof, and hath a lot or land therein; and every person who is a freeholder in the said town or the liberties thereof, and every freeman who has resided therein six months and has paid public taxes, shall be qualified to vote for the said commissioners.

X. And be it further Enacted, That the said commissioners are hereby fully authorised and particularly required and directed, to make such laws and regulations as they may deem necessary to prevent hogs running at large in the said town, slaves from keeping house without a license from the commissioners, and to prevent all persons from dealing with slaves not having tickets from their masters, mistresses or overseers, and to make such other and further laws and regulations respecting the same as they may think expedient: Provided nevertheless, That the regulations respecting hogs or other stock shall not be considered to extend beyond the present checkers of the town, so as to authorise any person residing in the liberties thereof to seize, kill or destroy the same, or any hog or hogs found running at large therein, subject to be seized, forfeited or destroyed. Provided nevertheless, That nothing in this Act shall be construed to give the commissioners of the said town, power to authorise by any bye-law whatever, any person or persons to kill or destroy the hogs belonging to any person living without the checkers of the said town; but such hog or hogs when found running at large within the checkers of the said town, may be impounded by the town constable or such person as the commissioners shall appoint for that purpose; and a fine not exceeding six pence for each hog impounded on the owner, with the cost or charges which shall be ascertained by the commissioners in the regulations of the town. And provided also, That the powers hereby committed to the said commissioners, shall not be construed to extend to the imprisonment of any slave as a punishment, or in any instance to exceed the punishment of thirty-nine lashes.

XI. And be it therefore Enacted by the authority aforesaid, That from and after the passing of this Act, so much of the before recited Act as comes within the purview and meaning of this Act, is hereby declared to be henceforth null and void to all intents and purposes whatsoever.

XII. And be it further Enacted by the authority aforesaid, That the foregoing Act shall also govern and regulate the town of Windsor in the county of Bertie, in the same manner as it does the town of Salisbury; and all matters and things directed to be done by the officers of Salisbury, and all matters and things directed to be done by the officers of Rowan county with respect to the town of Salisbury, shall be done by the officers of Bertie county with respect to the town of Windsor also.

XIII. And be it further Enacted, That all Act or Acts heretofore made for the regulation of the town of Windsor, so far as the same may come within the purview and meaning of this Act, shall be repealed to all intents and purposes whatever. (Passed Jan. 6, 1787.)

CHAPTER XLII.

An Act to Alter and Amend an Act Passed at Hillsborough in May, 1783, Entitled, "An Act for Repairing the Court House and Prison in the Town of Salisbury, for the District of Salisbury;" Also One Other Act Passed at New Bern in November, 1784, Entitled, "An Act for Levying a Tax in the Counties in Hillsborough and Salisbury Districts, for the Repairing the District Buildings in the Towns of Hillsborough and Salisbury, and Directing the Method of Calling to Account all Commissioners of Public Buildings Heretofore or Hereafter to be Appointed;" Also to Alter and Amend the Several Laws Now in Force for Erecting and Repairing the Public Buildings in the District of Hillsborough.

Whereas the aforementioned laws have not had the desired effect, and some of the commissioners of the buildings for the district of Salisbury have declined to Act:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Maxwell Chambers, Anthony Newnan, Spruce M'Cay and John Steele, Esquires, be, and they are hereby appointed commissioners for building a court house, gaol, pillory and stocks in the town of Salisbury, for the district of Salisbury, who shall enter into bond to the chairman of Rowan county court in the sum of two thousand pounds, conditioned that they shall faithfully apply and account for all monies by them received for the purposes aforesaid; and the present and former sheriffs and collectors, county and district treasurers of the several counties of Rowan, Montgomery, Richmond, Anson, Mecklenburgh, Surry, Guilford, as it stood undivided, and all others who have received or collected or hereafter may receive or collect any sum or sums of money, are hereby directed and required to pay the same into the hands of the commissioners hereby appointed for the purposes aforesaid: And in case any of the said present or former treasurers, sheriffs or collectors, shall make default in payment of the monies as aforesaid, the said commissioners or a majority of them are hereby empowered to cite the delinquent sheriff, sheriffs, treasurers or collectors to appear at any county court within the district, and then and there to enter up judgment against such delinquent sheriff or sheriffs, treasurers or collectors for the amount of the tax which he or they ought to have collected for the purposes aforesaid, in the same manner, and under the same regulations and restrictions as the public treasurer in this State is authorised and directed to enter up judgment against all delinquent sheriffs, treasurers or collectors, failing to account for, and pay the public taxes; and the said court is to award execu-

tion against the goods and chattels, lands and tenements of such sheriffs, treasurers or collectors, or their securities.

II. And be it further enacted by the authority aforesaid, That the said commissioners, or a majority of them, are hereby authorised and empowered to sell and dispose of the old gaol in the town of Salisbury for as much as it will fetch at public sale, giving a credit of twelve months; or if they think it most expedient may convert the materials of the old gaol towards the building the new one by this Act directed to be built: Provided, That in case the old gaol is sold, possession of the same shall not be given to the purchaser until twelve months after the sale of the same; but shall during that time be continued as the public gaol of the district as usual: And provided also, That nothing herein contained shall be construed to authorize the said commissioners to sell or dispose of the iron belonging to the doors or windows of the said gaol, but that the same shall be kept to be by them applied to the purposes of building the new one by this Act directed. Whereas it is suggested that several sheriffs, treasurers or collectors of said district who are now deceased, did collect and receive monies for the aforementioned purposes, and never accounted for the same:

III. Be it therefore Enacted by the authority aforesaid, That where it appears that any monies have been collected for the above purposes by deceased sheriffs, treasurers or collectors, the said commissioners are hereby directed to call to account the heirs, executors or administrators of such deceased sheriffs, treasurers or collectors for all such sums of money as appears to be unaccounted for, in the same manner, and under the same restrictions as they are directed to call delinquent sheriffs, treasurers or collectors who are living. Provided always, That where it shall appear that any sheriff, treasurer or collector, who hath collected and received any monies for the before mentioned purposes, shall have died before accounting for the same in such manner as by law they are directed to do, the aforesaid commissioners are hereby authorised to institute suits against the heirs, executors or administrators of such deceased for the monies collected and unaccounted for by the deceased, and thereon recover judgment in the same manner as they are by this Act directed to recover against the delinquent sheriffs, treasurers or collectors who are living.

IV. And be it further Enacted by the authority aforesaid, That John Taylor, Jesse Benton and William Walters, be, and they are hereby appointed commissioners for the repairing the court house and gaol for the district of Hillsborough, and that they have and possess all and singular the powers and authorities now vested in them, who by an Act, entitled, "An Act ——————————" have been heretofore appointed commissioners for making such repairs. (Passed Jan. 6, 1787).

CHAPTER XLIII.

An Act to Annex Part of the County of Burke to Rutherford County.

Whereas by reason of a ledge of mountains that divide the waters of first Little Broad river from the waters of Silver and Cain creeks, it is extremely difficult for the inhabitants on the south side of the said ledge to attend at the court house of the county of Burke: And whereas the inhabitants on the south side of the ledge aforesaid have signified their desire to be annexed to the county of Rutherford:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from

and after the passing of this Act, all that part of the county of Burke lying to the south-east of the aforesaid mountains so as to include all the waters of first Little Broad river, shall be, and the same is hereby annexed to and declared to be within the county of Rutherford: Provided nevertheless, That nothing herein contained shall be construed to debar the sheriffs or other collectors of public taxes for the county of Burke, from collecting all monies that may be due at this time in that part of the said county, which is by this Act annexed to the county of Rutherford; any law, usage or custom to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER XLIV.

An Act to Establish a Town on the East Side of the North-East of Cape Fear River, in Duplin County, and for Adding Alexander Martin, Esquire, to the Board of Commissioners for the Town of Martinville, in Guilford County.

Whereas a town has been laid off on the lands of Dr. William Houston, and a considerable number of lots sold by the proprietor, and the purchasers of these lots are desirous that the town should be established by legislative authority:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That one hundred acres of land, lying on the east side of the north-east branch of the Cape Fear river, in Duplin county, lately sold by Doctor Wiliam Houston for laying off a town and town commons, agreeable to a plan laid down by commissioners chosen for that purpose, be and the same is hereby established into a town by the name of Sarecto.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, Charles Ward, John Hill, James Outlaw, Samuel Houston, David Murdough, George Miller and John Matchel, be, and they and every of them hereby constituted commissioners for the further designing, building and improving the said town; and they shall stand seized of an indefeasible estate in fee simple of and in the residue of the said one hundred acres of land that remain undisposed of, to and for the purposes hereby expressed and declared, except such lots as the proprietor hath made choice of, which is hereby reserved to his proper use and behoof, and his heirs and assigns forever; and the said commissioners or a majority of them, shall make and execute deeds to such respective persons, as have and shall become purchasers of any lot or lots in the said town that hath or may be sold by the proprietor aforesaid, at the cost and charges of the grantee or grantees, which lot or lots by virtue of such conveyance, shall be held to such purchaser or purchasers in fee simple to his, her or their heirs and assigns forever.

III. And be it further Enacted by the authority aforesaid, That all monies that shall arise from the disposal of the lots of the said town by the commissioners, shall be received by them or their successors, and after deducting their reasonable charges and expences, the same shall be paid by them to the said proprietor, his heirs, executors, administrators or assigns. And for the continuing the succession of the said commissioners:

IV. Be it further Enacted by the authority aforesaid, That in case of death, refusal to Act or removal out of the county of any of the said commissioners, the survivor or a majority of them shall assemble, and hereby are authorised to nominate and appoint, by instrument in writing under their

hands, some other person being an inhabitant and freeholder in the said county, in room of him dead, refusing to act or removed out of the county, which said commissioner or commissioners so appointed shall have and exercise all the same powers and authorities in all matters herein contained, as the person or persons in whose room and stead he or they was so appointed, had and exercised. Provided always, That nothing in this Act contained shall be construed so as to obviate any regulation, compact or agreement entered into by the commissioners lately chosen for regulating the said town, all which regulations, restrictions and agreements are hereby declared good and valid in law.

V. And be it further Enacted by the authority aforesaid, That Alexander Martin, Esquire, be added to the board of commissioners for the town of Martinville, in the county of Guilford, and be invested with the same powers and authorities respecting the said town, which each of said commissioners hold, enjoy, and possess. (Passed Jan. 6, 1787.)

CHAPTER XLV.

An Act to Establish a Public Inspection of Tobacco in the Town of Salisbury in the County of Rowan.

Whereas the establishing a public inspection of tobacco in the town of Salisbury, will encourage commerce, promote industry, and be advantageous to the tobacco planters and all others in the county aforesaid:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the justices of the county court of Rowan, shall and are hereby empowered and directed to cause to be built and erected a warehouse and other conveniences in the said town, fit and necessary for the reception, inspection and safekeeping of tobacco in the said town; and the same when so built and erected, shall and is hereby declared to be a public warehouse for the reception of tobacco.

II. And be it enacted by the authority aforesaid, That the said court shall annually appoint two discreet and careful men, well qualified and acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions to which inspectors of tobacco are subject by an Act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy-seven, entitled, "An Act to amend the staple of tobacco and prevent frauds;" which said law so far as is not provided for by this Act, shall govern the inspection hereby established.

III. And be it further enacted by the authority aforesaid, That the inspectors so appointed shall have and receive of the owners of tobacco, the sum of eight shillings for each and every hogshead of tobacco, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, prizing and every thing necessary thereto. Provided, That the tobacco inspected by virtue of this Act at the town of Salisbury, shall always be subject to re-inspection at the place where the same may be shipped.

IV. And be it further enacted by the authority aforesaid, That the inspectors or either of them, when so appointed by the court and qualified as by this Act directed, is hereby invested with full power and authority to inspect any tobacco that may be brought to the said ware-house, and

on passing the same grant a certificate or note thereof to the owner or owners as the case may be. (Passed Jan. 6, 1787.)

CHAPTER XLVI.

An Act to Confirm unto Richard Dobbs Spaight an Indefeasible title to Certain Lands therein mentioned in Bladen County.

Whereas Richard Dobbs Spaight, Esquire, of Craven County, hath represented to this present General Assembly, that Samuel Swann, Esquire, deceased, obtained a grant from the late Lords Proprietors of Carolina, bearing date the twentieth day of October, one thousand seven hundred and twenty-eight, of six hundred and forty acres of land in Bladen county, then part of that district called Bath county, lying on the south side of the north-west branch of Cape-Fear river, being a place then commonly known by the name of Perlemburg: Beginning at a birch, the late Richard Singletary's lower corner tree, and running south sixty west in the said Singletary's line three hundred and forty-eight poles, thence south sixty east three hundred and ten poles, to the line of Cornelius Harnett, deceased, thence down along his line north sixty east to an ash, his supposed corner tree, thence up the meanders of the river to the first station. And whereas the said Samuel Swann afterwards sold the said lands among other things, to Job Howe, Esquire, deceased, by deed poll bearing date on or about the year one thousand seven hundred and thirty-six; and the said Job Howe in and by his last will and testament, devised the lands herein before described to his own sons, Thomas Clifford Howe and Arthur Howe, their heirs and assigns forever equally to be divided between them: And whereas the said Thomas Clifford Howe and Arthur Howe, did by mutual consent and agreement make partition of the said lands between them, and each of them possessed his respective share of the said lands after the division of said lands, in severalty, agreeable to the last will of their said father: And whereas the deed poll before mentioned, executed by the said Samuel Swann to the said Job Howe, having been lost or mislaid, he the said Samuel Swann, by indenture tripartite, bearing date the fourteenth day of September, one thousand seven hundred and sixty-seven, made between him the said Samuel Swann of the first part, the said Thomas Howe of the second part, and the said Arthur Howe of the third part (therein reciting more fully all the facts and circumstances herein before set forth) did remise, release and forever quit claim unto the said Thomas Howe, then in his actual possession and seizen, and to his heirs and assigns forever, among other things, three hundred and twenty acres of land, being one moiety or half part of the lands herein before mentioned and described (being the lowest half part) as the same was laid off and divided agreeable to the plan thereof annexed to the said indenture: And whereas the said Thomas Clifford Howe, by indenture bearing date on or about the year one thousand seven hundred and fifty-eight, or one thousand seven hundred and fifty-nine, bargained, sold and conveyed to Richard Spaight, Esquire, deceased, (father of the said Richard Dobbs Spaight) who died intestate, the same three hundred and twenty acres of land, with the appurtenances to hold to him the said Richard Spaight, his heirs and assigns forever: Beginning at a white oak, Harnett's upper back corner tree, running thence north sixty west one hundred and fifty-five poles, then north sixty east three hundred and forty-eight poles to the river, thence down the meanders of the river to an ash, Harnett's upper corner tree on the North-west River,

thence south sixty-west three hundred and forty-eight poles to the beginning; which said last mentioned premises with the appurtenances were actually in the possession and seizen of the said Richard Spaight in his lifetime, and hath continued to this time in the possession of the said Richard Dobbs Spaight, and during part of his minority hath by his guardian been rented out as his property, and in the neighbourhood thereof is universally acknowledged to be part of his estate: And whereas by the long minority of the said Richard Dobbs Spaight, the death of one of his guardians, and the removal from this country of the other, and the calamities and confusion of the late war or by some other cause, the conveyance of the said Thomas Clifford Howe to the said Richard Spaight hath been lost or mislaid, and the records of Bladen county having some years since the conveyance of the said land been consumed by fire, the said Richard Dobbs Spaight is left without any legal title to the said lands purchased by his father as aforesaid, and hath little more to defend his property than a precarious title grounded on possession and supported by verbal testimony, of which in the course of human events he must soon be deprived: For remedy whereof, the several facts being made known to the satisfaction of the legislature,

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said tract or parcel of three hundred and twenty acres of land herein last mentioned and described, as the same was divided and laid off by a division made between the said Thomas Clifford Howe and Arthur Howe, and agreeably to the plat or survey thereof annexed to the before recited indenture, made between the said Samuel Swann of the first part, the said Thomas Clifford Howe of the second part, and the said Arthur Howe of the third part, with the appurtenances, be and the same and every part and parcel thereof, is hereby confirmed to the said Richard Dobbs Spaight, his heirs and assigns, in as full and ample manner as he and they can have, hold and enjoy the same; saving and reserving nevertheless to all and every person and persons other than the heirs of the said Thomas Clifford Howe, all the right, title and interest, which they or any of them might have had of, in and to the same, in the same manner as if this act had never been made, any thing herein contained to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER XLVII.

An Act to Keep Open Cape-Fear, Wharie, Rockey River of Pee-Dee, the Catawba, Deep River, the Yadkin River, Dan, Haw River and Rockey River, for the Passage of Fish up the same.

Whereas it is represented to this General Assembly, that the free passage of fish up Cape Fear, Wharie, Rockey River of Pee Dee, the Catawba, Deep River, the Yadkin River, Dan, Haw River and Rockey River, is prevented by the erecting of dams and other stoppages across the said rivers: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That every person or persons who have erected or built any ware, dam or stoppage across the rivers aforesaid, shall destroy and remove so much thereof within one month after passing this Act, as to leave one fourth part of the rivers in the

deepest part thereof, open for the passage of fish, and on failure or neglect shall pay five pounds for every twenty-four hours such dam or ware, or other invention shall stand after the term aforesaid.

II. And be it further enacted by the authority aforesaid, That from and after the passing this Act, no stands, dams, wares or other stoppages shall be erected so as to take up more than three fourths of the rivers within mentioned, leaving one fourth open, and any person erecting wares, dams, or other inventions contrary to the intent and meaning of this Act, shall forfeit and pay one hundred pounds.

III. And be it further enacted by the authority aforesaid, That all penalties mentioned in this Act, shall be recovered against any person or persons who may incur them in any court of record by any person who will sue for the same, one half to be applied to his or their own use, and the other half for the use of the county where the plaintiff resides: Provided, That nothing herein contained shall extend to pulling down or destroying any water grist-mill which may be on the same rivers; any thing herein contained to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER XLVIII.

An Act to emancipate Caesar, formerly a Servant of Samuel Yeargan, Deceased.

Whereas by the last will and tenstament of Samuel Yeargan, deceased, late of the county of Warren, he did desire in his said will that a certain negro man of his property, should after the death of his daughter Anne Alston, wife to William Alston, of Chatham county, be set free, for and during the full-term of fifty-five years: And whereas the said Anne being now dead, it is thought just and right the said last will and testament should be adhered to:

I. Be it therefore enacted by the General Assembly, That from and after the passing of this Act, that the aforesaid Caesar shall and may be at his own liberty, for and during the term mentioned in his master's will, upon the same footing, and under the same restrictions as other free negroes are intitled to in this State, and shall be known and called by the name of Caesar Henry; any law to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER XLIX.

An Act for Erecting Bogue Bar and New-River Inlets into a Distinct Port by the name of Swansborough.

Whereas the erecting Bogue Bar and New River Inlets into a port, would be an advantage to the adjacent inhabitants, and prevent disputes, and may conduce to the more regular collection of the revenue arising from the impost on imported merchandize:

I. Be it therefore enacted by the General Assemly, and by the authority of the same, That from and after the passing of this Act, Bogue Bar and New River Inlets shall be a distinct and separate port by the name of Swansborough.

II. And be it further enacted by the authority aforesaid, That a Collector and Naval officer for the port aforesaid, shall be chosen by joint ballot of both Houses of the General Assembly, who when appointed shall have the

same privileges and emoluments, and be subject to the same rules and regulations as other Colectors and Naval officers of the other ports of this state: Provided, That this Act shall not be in force or take effect until the first day of March next. (Passed Jan. 6, 1787.)

CHAPTER L.

An Act to amend an Act passed at Hillsborough in May, one thousand seven hundred and eighty-four, entitled, "An Act for regulating the Pilotage and facilitating the Navigation of Cape Fear river.

Whereas it is necessary that the regulations established concerning the navigation and pilotage of Cape Fear river should be altered and amended:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Commissioners of the navigation and pilotage of the said river, or a majority of them, shall have and they are invested with full power and authority to make and establish such regulations and ordinances (not inconsistent with the constitution, and not otherwise provided for by law) as to them shall seem necessary from time to time, and for the enforcement of such ordinances may annex such fines to any breach thereof, as they shall deem adequate to the offence; provided that no such fine shall exceed the sum of one hundred pounds.

II. And be it further enacted by the authority aforesaid, That all fines laid by virtue of this Act for breach of the regulations aforesaid, shall be paid to the said Commissioners or their successors in office, to be laid out for the improvement of the navigation of the said river; and the manner of recovering such fines shall be by application to some Justice of the Peace of New Hanover county by any of the said Commissioners for the purpose of enforcing the said regulations, or by any person conceiving himself aggrieved by the breach thereof; upon which application such Justice shall issue his warrant to bring the offender before him, and if such offender shall be found guilty of the offence wherewith he is charged, the said Justice shall enter up judgment against him for the penalty annexed to the said offence, and issue execution for the same: Provided, That any person considering himself aggrieved by such judgment, may appeal to the next court of New Hanover county, first giving security for prosecuting the appeal in like manner as is directed by law upon other appeals from Justices of the Peace.

III. And be it further enacted by the authority aforesaid, That the number of bar pilots for the river aforesaid be reduced to four, and that any two of them (and no more) may enter into partnership together; and that the number of river pilots be encreased to six, who may by no means enter into partnership with each other.

IV. And be it further enacted by the authority aforesaid, That each and every pilot of the said river shall keep at least one apprentice, and instruct him in the art and mystery of a pilot; and that each of the said pilots may keep two apprentices and no more, which said apprentices upon being authorized by the majority of the said Commissioners, may pilot any vessel which their several masters are entitled to pilot, for the behoof and emolument of their said masters, without let or molestation; subject however to the same regulations as the said pilots are.

V. And be it further enacted by the authority aforesaid, That the said bar pilots shall take vessels over the bar to Fort Johnston only, and from

the said fort to sea; and that the said river pilots shall take vessels from the said fort to Wilmington, and back again to the fort; for which the following fees shal be allowed, and no more, viz:

For bringing a vessel over the bar to Fort Johnston and mooring her there if the master requires it, if drawing six feet water, one pound five shillings; seven feet, one pound seven shillings; eight feet, one pound ten shillings; nine feet one pound fifteen shillings; ten feet, one pound seventeen shillings; eleven feet, two pounds five shillings; twelve feet, two pounds fifteen shillings; thirteen feet, three pounds five shillings; fourteen feet, three pounds fifteen shillings; fifteen feet, four pounds five shillings; sixteen feet, four pounds fifteen shillings; seventeen feet, five pounds ten shillings; eighteen feet, six pounds ten shillings, nineteen feet, seven pounds; twenty feet, seven pounds ten shillings.

For bringing a vessel from the Fort to Brunswick and mooring, the same as the above: For bringing a vessel from Brunswick to the Flats and mooring, one half the above rates: For bringing a vessel from the Flats to Wilmington and mooring, one half the above rates. For such vessels as come in at the new inlet to Five-Fathom-Hole, the same as over the main bar: For bringing from Five-Fathom-Hole to Brunswick, one half the above rates; and the like rates for taking vessels down the river and to sea from each of the said stations; the draft of water to be computed not when the vessel is loaded, but what she will actually draw at the time of her passing to or from any of the said stations, or over the bar. Provided, That where a vessel shall deepen or lighten while on her passage between any two of the stations, the pilot shall be paid for the greatest draft between each of the places respectively.

VI. And be it further enacted by the authority aforesaid, That when a pilot shall board any vessel at sea in ten fathom water or more, and bring her into port, he shall be entitled to one half more, or fifty per cent. advance on the above rates, for bringing such vessel in.

VII. And be it further enacted by the authority aforesaid, That when any vessel shall come over the bar before a pilot boards her, she shall pay only one-third fees for coming in; unless when it may happen the weather is so bad that no person can board a vessel, in which case if he shall hail her without the bar and she shall follow him into port, he shall be entitled to full fees.

VIII. And be it further enacted by the authority aforesaid, That the said Commissioners of Navigation be and they are hereby empowered to authorize any two persons, either of the bar pilots or others as to them shall seem convenient, to act as pilots for the new inlet; who on bringing vessels in at the said new inlet and up to Five-Fathom-Hole, and mooring there if required by the Master, shall be entitled to the same fees as are herein before allowed for bringing vessels over the aforesaid main bar, and the same for carrying out from Five-Fathom-Hole to sea through the said new inlet.

And whereas the pilotage of the said river has been greatly injured by the delay which the pilots have suffered in obtaining their lawful fees, owing to the tedious mode heretofore in use for recovering the same:

IX. Be it therefore enacted by the authority aforesaid, That all demands for fees due to pilots of the said river not exceeding twenty pounds, shall be recoverable before a Justice of the Peace, against the Masters or Commanders of vessels; whose bonds entered into at the naval office, may be put in suit for the said pilots fees before such Justice; who on due proof thereof shall enter up judgment for the same and issue execution therefor

immediately. Provided, That the party cast may appeal to the next county court, in like manner as directed in other cases of appeals from a Justice of the Peace. And Provided, That where such judgment shall be had in favour of any pilot for fees due him, if the defendant shall appeal, and the judgment of the Justice shall be confirmed by the said county court, the defendant so appealing shall be adjudged by the said court to pay damages to the plaintiff in such case, equal to one half the amount of the judgment so appealed from.

X. And be it further enacted by the authority aforesaid, That all laws and clauses of laws which come within the purview of this Act, be and they are hereby repealed and made void.

XI. And be it further enacted by the authority aforesaid, That the Commissioners of navigation for Port Beaufort, or a majority of them, do from time to time make to the bar and river pilots, such additional fees and allowances to those already established by law, as they may think just and reasonable, until the General Assembly shall otherwise direct. (Passed Jan. 6, 1787.)

CHAPTER LI.

An Act to Establish the late Survey and Plan of the Town of Tarborough as made and laid down by the Direction of the Commissioners composing the body politic and corporate of the said town, and to amend an Act, entitled, "An Act for the Better Regulation of the Town of Tarborough."

Whereas it is represented to this General Assembly, that from the irregular manner in which most of the buildings first erected in the town of Tarborough have been placed, as well as to prevent in future the erecting others in like manner, it hath been judged adviseable by the inhabitants of the said town generally, that the width of the streets thereof should be curtailed and their limits fixed with precision; and it being further represented that pursuant thereto the Commissioners have caused an accurate survey of the said town and town-common to be made, and the streets to be accordingly curtailed and posted as appears by a plat and plan thereof now before this Assembly, bearing date the twenty-third day of June, one thousand seven hundred and eighty six, and it being prayed that the same should be established and made valid by Act of Assembly:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the survey and plan of the town of Tarborough made by Etheldred Philips and Benjamin Dicken, Esquires, surveyors, agreeably to the direction of the Commissioners of the said town, bearing date the twenty-third day of June, one thousand seven hundred and eighty-six, and which survey is bounded as follows, to wit, Beginning at a live-oak, gum and swamp-beach, standing in the mouth of a small branch which empties into Holly's creek a little above where the road crosses the said creek, running thence north fifty-two east one hundred and fifty-six poles, to the center of four small pines and a gum, thence south twenty-eight east two hundred poles, to the center of two red oaks, a black gum and chinkapin standing on the bank of the river, thence down the river to the mouth of Holly's creek, thence up the said creek to the begining; containing one hundred and seventy-five acres or thereabout: One copy of which survey or plan being first filed in the Secretary's office, and one other copy among the papers of the said board of Commissioners,

shall ever thereafter be held and deemed to be the bounds and plan of the said town. Provided nevertheless, That nothing herein contained shall operate as a bar of action against any person or persons owning lands adjoining the said town, who may think him or themselves aggrieved by the survey aforesaid. And to the end that the owners of lots in the said town may be compelled to pay a tax proportionate to the worth of the same:

II. Be it further enacted, That for the year one thousand seven hundred and eighty-seven, and each succeeding year, the persons appointed to assess the town property in the county of Edgecombe, shall in addition to the return by them to be made to the court of the said county, make at the same time an accurate return on oath, under their hands and seals, of the valuation of each and every lot with its improvements in the town of Tarborough, to the Chairman of the board of Commissioners for the said town; and the Commissioners shall and may thereupon levy a tax not exceeding eight shillings on each and every hundred pounds of the property so valued, and also a tax not exceeding eight shillings on each and every person (being a proprietor in the said town) whose lot or lots do not amount agreeably to the valuation aforesaid to one hundred pounds, exclusive of the taxes heretofore by Act of Assembly imposed on piazzas, porches and other encroachments.

III. And be it further enacted, That all free males of twenty-one years old and upwards, who shall have usually resided within the said town for the space of three months previous to the first day of August annually, and who do not own any lot or lots therein, shall likewise be considered as being liable to pay taxes, and shall be taxed accordingly at the discretion of the Commissioners, in any sum not exceeding eight shillings yearly. And in order that a just and accurate list of all persons by this, and of all property by the before recited Act liable to be assessed, may be obtained:

IV. Be it further enacted by the authority aforesaid, That the court of Edgecombe county, on application of the Commissioners of the said town, shall yearly appoint some Justice of the Peace of the county aforesaid, who shall between the first and last days of June in each and every year, receive from the inhabitants of the said town, true and accurate lists on oath of all the polls and property to them belonging, which by this and the Act, entitled, "An Act for the regulation of the town of Tarborough," are made liable to taxation; and shall make return of such lists under his hand and seal, to the board of Commissioners at their first meeting which shall happen after the first day of July in each year; and every person failing to give in on oath lists as aforesaid, shall be assessed in double the amount of the tax for which he or she would otherwise have been liable. And for the due collection of the taxes arising in virtue of this and the before recited act:

V. Be it further enacted, That the Commissioners shall appoint some person, properly qualified, Collector, allowing him such commissions as to them shall seem adequate and just; and it is hereby further declared that all taxes and rents which shall become due in virtue of this and the before recited Act, shall be collected and accounted for annually on or before the first day of November in each year; and in case of the failure or refusal of any person to pay the same, the Collector shall and he is hereby authorized to sell at public vendue, so much of the personal property of such person so failing or refusing as will be sufficient to discharge the sum for which he or she shall have become liable, governing himself by the rules of law prescribed for Collectors of public taxes.

VI. And be it further enacted, That any person owning a lot or lots in

the said town, and who has no personal property to be found in the county aforesaid, who shall fail for the space of twelve months to pay the tax for which he may have become liable, the Commissioners shall and they are hereby directed to sell one of such lots, at public vendue, to the highest bidder, for ready money, and grant a deed for the same; first advertising such lot for the space of six months in the North Carolina Gazette, and after deducting the tax and other expences which may have accrued in consequence of such advertisement and sale, shall pay the balance on application to the person entitled to receive it.

And whereas it is found necessary that the inhabitants of the town of Tarborough should be compelled to work in the streets thereof more than twelve days in the year, and it being likewise necessary that the law should clearly point out all such persons who may be so compelled:

VII. Be it therefore enacted, That for the future all persons liable to work on the streets of the town of Tarborough, may be compelled to work thereon any number of days not exceeding twenty-four in any one year; and that each and every free male between the ages of eighteen and fifty years, who shall have usually resided within the limits of the said town for the space of thirty days previous to any day set apart for working on the streets thereof, shall and he is hereby declared to be liable to work thereon, and shall work accordingly or furnish a sufficient substitute in his stead; and that all male slaves of sixteen years old and upwards, who usually reside within the said town, shall be considered as being liable to work on the streets thereof, and shall work accordingly, under the like pains and penalties as free men in case of neglect or refusal, to be recovered of their proper owner or the person having them in possession.

VIII. And be it further enacted, That each and every male inhabitant of the said town, as well servants and slaves as freemen, shall henceforth be considered as exempt from working on the public roads during the time they shall continue inhabitants as aforesaid, but shall work on the streets of the said town only. Provided always, That any thing herein contained shall not exempt the inhabitants of the said town from being liable to work on the river.

IX. And be it further enacted by the authority aforesaid, That the fourth, fifth, sixth, seventh, eighth, ninth and tenth clauses or sections of an Act of the last General Assembly, entitled, "An Act for the regulation of the town of Tarborough," be and the same are hereby repealed and made void. Provided, That nothing herein contained shall be construed to prevent or hinder the collection of the tax on the inhabitants of the town of Tarborough for the year one thousand seven hundred and eighty-six, as provided for by the before recited Act. (Passed Jan. 6, 1787.)

CHAPTER LII.

An Act for empowering the Court of Chatham county to Adjourn to the Town of Pittsborough in said County.

Whereas by an Act of the present General Assembly a town is established in the county of Chatham by the name of Pittsborough, and it hath been represented that by holding the courts of said county at Pittsborough aforesaid, will greatly relieve the people who have business depending in said court, as well as those who are by law obliged to attend all other public meetings:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the

Justices of the said court of Chatham be, and are hereby authorized and empowered to adjourn to the said town of Pittsbourough at any time they shall think proper; to which place all matters and things in the said court depending are hereby declared to stand adjourned agreeable to the adjournment of the said court.

II. And be it further enacted by the authority aforesaid, That all and every act, or part of an act, for holding the courts of said county at any other place, shall from and after the passing of this Act be repealed and made void. (Passed Jan. 6, 1787.)

CHAPTER LIII.

An Act erecting a Town on the lands of Matthew Figures in Northampton County, on the South side of Meherrin River.

Whereas it is represented to this General Assembly that the lands of Matthew Figures, on the south side of Meherrin River, is a healtny pleasant situation, conveniently situated for trade; and the said Matthew Figures having signified his consent to have one hundred acres of said land laid off for a town and town common:

I. Be it Enacted by the General Assembly of the State of North Carolina, and by the authority thereof, That the said one hundred acres of land be, and is hereby constituted and established a town, and shall be called by the name of Princeton.

II. And be it further Enacted by the authority aforesaid, That Howel Edmonds, James Vaughan, Matthew Figures, Nehemiah Long, Nicholas Edmonds, Henry Deberry and Benjamin Cokely, or a majority of them, be, and they are hereby constituted commissioners and trustees for designing, building and carrying on the said town, and shall stand seized in an indefeasible estate in fee simple in the said lands aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners or a majority of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on the said river adjoining said town for a public landing as they shall think necessary, and shall lay off seventy-five acres of said lands into streets, squares and one acre lots each, and cause a plan thereof to be made, receive subscriptions to the amount of five pounds for each lot, which shall be paid to Matthew Figures the proprietor thereof as full compensation for said lands, and the residue of said lands except two acres which shall be reserved for a public warehouse, shall forever remain a town common; and the said commissioners or a majority of them, shall appoint a time and give public notice thereof for meeting the subscribers on the said land for determining the property of each particular lot, which shall be drawn by ballot in a fair manner, by direction and in the presence of a majority of the commissioners at least, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the plan of the said town; and the said commissioners or a majority of them, shall make and execute deeds for granting and conveying the said lots contained in the said town, at the proper cost and charges of the said guarantee or guarantees to whom the same shall be conveyed, and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.

And for continuing the succession of the said commissioners:

III. Be it Enacted, That in case of death, refusal to act, or removal

out of the State of any of the commissioners, the surviving or other commissioners or a majority of them, shall assemble, and shall from time to time by instrument in writing under their hands and seals, nominate some other person being a freeholder of said town, in the place of him so dying, refusing to act or removing as aforesaid, which new commissioners so appointed shall be vested with the same authorities as those expressly named in this Act. (Passed Jan. 6, 1787.)

CHAPTER LIV.

An Act for Appointing the Place of Holding Courts of Pleas and Quarter Sessions in the County of Sullivan.

Whereas the division of Sullivan county hath rendered the usual place of holding courts unequal in distance to a number of the inhabitants of said county:

I. Be it Enacted by the General Assembly of North Carolina and it is hereby enacted by the authority of the same, That Joseph Martin, James M'Neil, John Duncan, Evan Shelby, Samuel Smith, William King and John Scott, be appointed commissioners, and they are hereby empowered, or a majority of them, to fix upon the most centrical or convenient place to the inhabitants of said county, for building and erecting a court house, prison and stocks for the use of the same, and all subsequent courts shall be constantly held by the justices thereof, on the second Mondays in March, June, September and December, and the justices of the county of Sullivan are hereby authorised and empowered to hold the first court in the said county of Sullivan at the house of Joseph Cole, and that the justices for said county of Sullivan shall and may have full power and authority to adjourn themselves to any other convenient place in said county, until such time that a court house, prison and stocks shall be built for said county, and then all causes, matters and things depending in said court, and all manner of processes returnable to the same shall be adjourned to such court house.

II. Be it Enacted by the authority aforesaid, That so much of a former Act as tends to the building and erecting a court house, prison and stocks in the county of Sullivan, is hereby repealed and made void as if the same had never been made. (Passed Jan. 6, 1787.)

CHAPTER LV.

An Act for Altering the Names of Walter Hogg and Gavin Hogg to Those of Walter Alves and Gavin Alves, the Name of James Mason to That of James Isham, and the Name of Jonathan Ballinger to That of Jonathan Parker.

Whereas it is the earnest request of James Hogg, of Orange county, that his sons, Walter Hogg and Gavin Hogg, should hereafter be called and known by the names of Walter Alves and Gavin Alves, and of the other persons mentioned in the said title, that their names should be altered as therein set forth:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the names of Walter Hogg and Gavin Hogg shall be altered to the names of Walter Alves and Gavin Alves, the name of James Mason to the name of James Isham, and the name of Jonathan Ballinger to the name of Jonathan Parker, and that

they shall thenceforth be called and known by the said names; and that by the said names respectively they shall and may sue and be sued, plead and be impleaded in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase or otherwise; and they may by their respective names aforesaid sell and dispose of lands or other property, already or hereafter to be acquired; and finally in all things the said persons respectively, shall be able and capable in law or equity of negotiating and transacting all manner of business by the respective names herein before mentioned, in as full and ample manner, as if they had been called and known by no other names from the time of their nativity; any law, custom or usage to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER LVI.

An Act to Enable the Executors of Robert Hogg, Deceased, to Maintain and Defend Suits Under the Regulations Therein Mentioned.

It having been represented and proved to the Assembly that Samuel Campbell, formerly one of the copartnership of Hogg and Campbell, while he was a citizen of this State, and before he withdrew from his allegiance to it, did assign and set over for a good and valuable consideration, all his right, title, claim, interest and demand to all and every part of the profits of and debts due to said copartnership, to James Hogg, one of the executors and devisees of the said Robert: And whereas the said Samuel, by withdrawing from his allegiance to this State, has become disabled by himself or by others to bring suits in his own name: And whereas by the death of the said Robert, the only mode of maintaining suits for the recovery of debts due to the said copartnership agreeable to the laws now in force, must be in the name of Samuel Campbell, surviving copartner of Hogg and Campbell: And whereas thereby the executors of the said Robert Hogg are utterly prevented from recovering the just debts due to the said copartnership so assigned, and are thereby disabled to carry the will of the deceased Robert into execution and to pay his just creditors:

I. Be it therefore Enacted by the General Assembly, and it is hereby Enacted by the authority of the same, That William Hooper, James Hogg and James Burges, be and they are hereby authorized and empowered to maintain suits, as well in law as equity, in the names of themselves, stiling themselves executors of Robert Hogg, deceased; and in the names of the survivors or survivor of them, for all monies due and owing to the said copartnership, and upon the breach of all contracts heretofore made or done on default of such conditions to be made or done to the said copartnership, and in their own names and as executors aforesaid, to sue, prosecute and defend all and every suit, both in law and equity, for and on account of said copartnership, to have recoveries in the same manner, as fully and amply to every intent and purpose, as he the said Samuel Campbell in his own name could, if he had remained until this time a good, true and faithful citizen of this State, and had never assigned his interest in the copartnership to the said James Hogg or any other person whatsoever; any law, custom or usage to the contrary notwithstanding. Provided nevertheless, That nothing in this law contained, shall be construed to extend to bar or relinquish any claim which this State has or may have to all or part of the property of the said Samuel Campbell. (Passed Jan. 6, 1787.)

CHAPTER LVII.

An Act for the Inspection of Tobacco at Anson Court House.

Whereas it may be beneficial to the inhabitants of Anson county, that an inspection of tobacco should be established at the court house thereof:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Anson shall annually appoint two discreet and careful men, who reside contiguous to the court house aforesaid, and are well acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules, regulations and restrictions to which inspectors of tobacco are subject by an Act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy-seven, entitled, "An Act to amend the staple of tobacco and prevent frauds;" the same to be subject to re-inspection at the place of shipping.

II. And be it further Enacted, That the inspectors so appointed shall have and receive of the owners of tobacco, the sum of eight shillings for every hogshead, and the sum of one shilling for every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, and every thing necessary thereto. (Passed Jan. 6, 1787.)

CHAPTER LVIII.

An Act to Emancipate Hannah, Alias Hannah Bowers, a Person of Mixed Blood, Belonging to the Estate of the Late Alexander Gaston Deceased.

Whereas it appears to this General Assembly, That the late Alexander Gaston, of the town of New Bern, did in his lifetime frequently express a desire that the said girl Hannah should be set free, and did certify the same in his own handwriting, which certificate has been since found among the papers of the deceased: And whereas the widow of the said Alexander Gaston has also signified her desire that the said girl should in compliance with her husband's wishes in his lifetime be set free:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by authority of the same, That the said molatto girl called Hannah, alias Hannah Bowers, shall be, and is hereby declared to be emancipated and made free to all intents and purposes, and shall be entitled to all the privileges and benefits of a free person in as full and absolute manner, as if she the said Hannah had been born of a free woman. (Passed Jan. 6, 1787.)

CHAPTER LIX.

An Act for Establishing a Town on the Lands of William Murfree, on Meherrin River, in the County of Hertford.

Whereas it has been represented to the General Assembly, that on the lands of William Murfree, at Murfree's landing, on Meherrin river, there is a very proper situation for a town; that the place is remarkably healthy, and convenient to a country which produces large supplies of tobacco, naval stores, corn, pork and lumber for exportation, and that the convenience for shipping produce at this landing, is greatly superior to what is generally

found at other landings: And whereas a great number of citizens of this State, inhabitants of the counties of Hertford, Northampton, Halifax, Warren, Edgecombe, Bertie, Gates and Chowan, have prayed that a town may be erected at this place, and William Murfree, the proprietor of the soil, nath consented that ninety-seven acres of the land adjoining to the river, which has been surveyed and laid off, shall be appropriated to this use:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said ninety-seven acres of land shall be laid out in lots of half an acre, with convenient streets, and the same are hereby constituted and established a town, and shall be called by the name of Murfreesborough.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, William Murfree, Patrick ———— Redmond Hackett, William Vaughan and John Parker, be, and they and every of them be constituted commissioners and trustees for designing, building and carrying on the said town, and they shall stand seized in an indefeasible estate in fee simple in the said ninety-seven acres of land as aforesaid, to and for the uses, intents and purposes hereby declared; and the said commissioners or any three of them, shall have full power and authority to meet as often as they shall think necessary, to appoint a public quay on Meherrin river adjoining the said town for a public landing where they may think convenient and necessary.

III. And be it further Enacted by the authority aforesaid, That the said commissioners shall prepare a regular plan of the town, with its streets and lots, the lots being numbered, and they shall appoint a time by public notice for the meeting of the subscribers for said lots on the premises, when and where they shall determine the property of each particular lot by ballot, which shall be drawn in a fair manner by direction of and in the presence of a majority of the commissioners, and such of the subscribers as chuse to attend, and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the town; and the said commissioners or a majority of them, shall make and execute deeds for granting and conveying the said lots contained in the said town, to the respective subscribers for the same, their heirs and assigns forever, and also to all and every other person and persons who shall purchase any other lot or lots in the said town, at the proper cost and charges of the said grantee or grantees to whom the same shall be conveyed, and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.

IV. And be it further Enacted by the authority aforesaid, That the respective subscribers for the said lots, shall within three months after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said commissioners, the sum of nine pounds for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with costs.

And for continuing the succession of the commissioners:

V. Be it Enacted, That in case of death, refusal to act, or removal out of the State of any of the said commissioners, the surviving or other commissioners or a majority of them, shall assemble, and shall from time to time by an instrument of writing under their respective hands and seals, nominate some other person being an inhabitant or freeholder of the said

town, in the place of him so dying, refusing to act or removing out of the State, which new commissioner so nominated and appointed shall from thenceforth have the same power and authority in all things concerning the matter herein contained, as if he had been expressly nominated and appointed by this Act. (Passed Jan. 6, 1787.)

CHAPTER LX.

An Act for the Inspection of Tobacco at Joseph Green's, in Wayne County.

Whereas it may be beneficial to the planters of tobacco in and adjacent to the county of Wayne, that an inspection of that commodity should be established in said county: And whereas the inhabitants of the same have at their own expence erected and finished a convenient house at Spring Bank, on Neuse river, where Joseph Green now lives in said county of Wayne, for the purpose of storing tobacco:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Wayne shall appoint two discreet and careful men, well acquainted with the nature and qualities of tobacco, to be inspectors thereof; who shall take the same oath, be subject to the same rules regulations and restrictions to which inspectors of tobacco are subject by an Act of the General Assembly passed at Halifax, in the year one thousand seven hundred and seventy-seven, entitled, "An Act to amend the staple of tobacco and prevent frauds."

II. And be it further Enacted by the authority aforesaid, That the inspectors so appointed shall have and receive of the owners of tobacco, the sum of eight shilings for eacn and every hogshead, and the sum of one shilling for each and every hundred weight of transfer tobacco by them inspected, in full for their trouble, finding nails, and every thing necessary thereto.

III. And be it further Enacted by the authority aforesaid, That all tobacco so inspected shall be held and deemed merchantable tobacco, as if the same had been inspected at any other inspection within this State. (Passed Jan. 6, 1787.)

CHAPTER LXI.

An Act for Enabling Certain Persons to Perfect a Canal Between Scuppernong River and the Lake Near Its Head.

Whereas it has been represented to this General Assembly by Josiah Collins, Nathaniel Allen and Samuel Dickinson, Esquires, that they are at a great expence cutting a canal from Scuppernong river to the lake by that name, a distance of six miles, by which they expect to be enabled to reduce the waters in the lake to drain a vast quantity of fertile land, and the same to water at pleasure, by which means they may greatly promote the culture of hemp and rice and consequently the commerce of revenues of this State: And whereas the said Collins, Allen and Dickinson have represented that there is some land in the necessary course of the canal, which is suspected to belong to an orphan, and other land whose owner is not perfectly known, and that some impediments may arise from such causes to the prosecution of their design: And whereas it is the desire of this legislature to promote every useful undertaking:

I. Be it Enacted by the General Assembly of the State of North Carolina,

and it is hereby Enacted by the authority of the same, That it shall and may be lawful for Josiah Collins, Nathaniel Allen and Samuel Dickinson, and their heirs or assigns, to carry on the canal which they have lately begun from Scuppernong river by the most direct or convenient course to Scuppernong lake, provided they do not injure any useful improvements. And whereas it may so happen that the necessary course of the canal may pass through the lands of persons under the age of twenty-one years, or through some tract the title of which may be disputable, and others may refuse to sell and dispose of a quantity sufficient for the passage of the said canal:

II. Be it therefore Enacted by the authority aforesaid, That when the direct and necessary course of the said canal shall pass through the land of any person or persons under the age of twenty-one years, or where the title is disputed, or where the owner refuses to sell so much land as may be necessary, that it shall and may be lawful for the said Josiah Collins, Nathaniel Allen and Samuel Dickinson, their heirs or assigns, to exhibit their petition to the county court wherein the land lieth, setting forth the owner or claimant of the said lands, and the quantity required for the passage of the said canal, whereupon the court shall order the surveyor of the county, with six honest freeholders by them appointed, to view, lay off and value on oath, as much of the said land as shall be sufficient for the passage of the said canal, that is to say, they shall estimate the value of a section or small strip of such land of the breadth of eighty feet, and of the necessary length according as the canal may pass, and they shall consider what damages the tract of land in question may sustain by the cutting a canal through it in the manner proposed, and shall determine what sum of money the owner or owners of the soil ought to receive from the proprietors of the canal, which shall be returnable under their hands and seals. Provided nevertheless, That the said owner or owners, or guardians, shall have such reasonable notice of such petition, and order as the court shall deem necessary, to attend at such survey and valuation. And provided also, That the passage of the said canal shall not interfere with or take away houses, orchards or other improved conveniences: And the petitioners shall pay down in court for the lands so laid off and obtained, the valuation money, and procure a record to be made thereof, which shall be a good and effectual seizen in law to create to the said petitioners, their heirs and assigns, a fee simple in such lands; and the monies when paid into court, shall be received by the clerk and paid to the owner or owners, or guardian or guardians in case of infants: And provided nevertheless, That the said canal shall be cut and finished within seven years, otherwise such land so laid off shall revert to the original owner or owners or their assigns; any thing herein contained to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER LXII.

An Additional Act to an Act, Entitled, "An Act to Prevent the Several Species of Hunting Therein Mentioned."

Whereas many persons are guilty of a species of hunting in the county of Guilford, much to the prejudice of many of the good people in said county:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after

the passing of this Act, if any person or persons shall be found setting or watching in the night time at licks, or at any pass where the deer usually cross, with gun or other fire arms, in the said county of Guilford, on conviction thereof, he or they so offending shall forfeit and pay the sum of forty shillings with cost, to be recovered before any justice for said county where such offence shall be committed, one half to the informer, the other half to the use of the county: Provided nevertheless, That nothing herein contained shall be construed so as to prevent persons hunting within their own enclosures by fire light or otherwise. (Passed Jan. 6, 1787.)

CHAPTER LXIII.

An Act to Empower the Wardens of the Poor in the County of Granville to Sell the Glebe in Said County.

Whereas the said Glebe hath for some years past been rented out by the wardens of the poor of the county aforesaid, and the monies arising therefrom hath been insufficient to the repairing of the buildings on the same, by which means they are impaired:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the wardens of the poor in the said county, are hereby authorised and empowered to sell and dispose of the said Glebe and lands thereunto belonging for eighteen months credit, the purchaser giving bond with sufficient sureties for the payment of the purchase money, first giving one month's previous notice of the day of sale; and the monies arising from such sale, shall be appropriated to the use of the said county of Granville; any law to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER LXIV.

An Act for Erecting an Academy in the Town of Warrenton in the District of Halifax.

Whereas it is necessary, especially in republican governments, to hold forth every possible opportunity and encouragement to liberal education:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That an academy be erected and established for the education of youth, under the name, stile and title of the Warrenton academy.

II. And be it further Enacted by the authority aforesaid, That the Rev. Henry Patillo, William R. Davie, Benjamin Hawkins, Nathaniel Macon, Philemon Hawkins, William Johnson, William Duke, Edward Jones, James Miller, Philemon Hawkins, jun. of Granville, John Macon, Wyatt Hawkins, Thomas Person, Thomas Eaton, William Green, John Hawkins, James Johnson, James Gloster Brehon, Nicholas Long and Willie Jones, Esquires, and they and their successors to be elected in manner herein after directed, shall for ever be a body politic and corporate in deed and in name, by the stile of the trustees of the Warrenton Academy, and by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements, rents and hereditaments of any kind, nature, quality or value, in fee; and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever, of any nature,

quality or value, for building, erecting and supporting the said academy, paying salaries to the president, professors and tutors thereof; and by the same name they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all judges and justices whatsoever, in all actions, pleas, plaints and demands, and to grant, bargain, sell or assign any lands, hereditaments, tenements, goods or chattels; and to act and do all things whatsoever for the use aforesaid, in as full and ample manner and form as any natural person or body politic or corporate can or may by law: That they shall and may have a common seal for the business of them and their successors, with liberty to change, break, alter or make new the same from time to time as they shall think proper.

III. And be it further Enacted by the authority aforesaid, That the said trustees, or any seven of them, shall have full power and authority to meet at all times when they shall think proper at Warrenton aforesaid, to deliberate, resolve upon and carry into effect the laws and regulations to be by them made for the government of the said academy, and shall have full power to fill up any vacancies which may happen in the said incorporated body of trustees, by the death, refusal to act, resignation or removal out of the State of any of its members; and the persons appointed to fill such vacancies, shall be and they are hereby declared to have the same power and privileges as the trustees named in and by this Act.

IV. And be it further Enacted by the authority aforesaid, That the said trustees or a majority of them, be and they are hereby authorised and empowered to convene at Warrenton at any time after the passing of this Act, and then and there elect and constitute by commission in writing under their hands, or the hands of a majority of them, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a trustee during his continuance in office, and vested with the same powers, privileges and authorities as any trustees named in and by this Act; and such president, and the trustees or their successors, or any seven of them, at all other times thereafter when met together in the said town of Warrenton, shall have full power and authority to elect and constitute one or more professors or tutors, a secretary, treasurer and steward; and also to make and ordain such laws, rules and regulations not repugnant to or inconsistent with the laws and constitutions of this State, for the well ordering and governing the students, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress they shall have made in useful knowledge, in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue. Provided, That they shall not on any account grant degrees or titles, such as Bachelor or Master of Arts, or Doctor in any faculty.

V. And be it further Enacted by the authority aforesaid, That the said trustees or a majority of them are hereby authorised and declared to have power to remove or displace the president, professors or tutors, the secretary, treasurer or steward, or any of them, if they shall find it necessary, and appoint others in their stead; and in case of the death, resignation or refusal to act of the president, or any of the said professors or tutors, the secretary, treasurer or steward, others shall be elected by such trustees in the room and stead of those dead, resigning or refusing to act.

VI. And be it further Enacted by the authority aforesaid, That every

treasurer appointed by the trustees aforesaid, shall previous to the entering upon his office, enter into bond in the sum of five thouand pounds payable to the trustees aforesaid, conditioned for the faithful discharge of his office and the trust reposed in him; and that all monies and chattels belonging to the said corporation, which shall be in his hands at the expiration of his office, shall then be immediately paid and delivered into the hands of his successor in office; and every treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever that may belong or accrue to the said academy during his office, and at the expiration thereof shall account with the trustees for the same; and on his neglect or refusal to pay and deliver to his successor as aforesaid the monies and chattels in his hands, the same mode of recovery shall and may be had against him, as is or may be had for the recovery of monies from the sheriffs or other persons chargeable with public monies.

And whereas the expence of the buildings necessary for the said academy may exceed the donations and subscriptions that may be made for the purpose, and the more effectually to enable the said trustees to carry this Act into effect:

VII. Be it Enacted by the authority aforesaid, That the said trustees, or any seven of them, be and they are hereby authorised to appoint three persons, who shall be of their body, as managers for conducting, carrying on and drawing a lottery in Warrenton for the purposes aforesaid, and the further uses of the said academy; with power to issue two thousand five hundred tickets, to be signed by any two of them, at the price of forty shillings each, in the following form, viz. "Warrenton Academy Lottery. This ticket entitles the bearer to what ever prize may be drawn against this number, as by Act of Assembly." And on the first day of May next, at the court house in Warrenton, shall begin the drawing of the said lottery, if a sufficient number of the said tickets shall by that time be disposed of, otherwise the commissioners or any seven of them, shall and may affix and advertise a further day as to them may seem meet, so as that the same may not exceed the term of one year; and the calculation of the chances shall be agreeable to the following scheme, viz.

1	prize of two hundred pounds	is.....	£.200
1	ditto of one hundred pounds	is.....	100
14	ditto of fifty pounds each	is.....	700
20	ditto of twenty-five pounds each	is.....	500
50	ditto of ten pounds each	is.....	500
300	ditto of five pounds each	is.....	1500
250	ditto of two pounds each	is.....	500
			£4000
636	prizes at 40s. is.....	£1272	
1864	blanks at 40s. is.....	3728	
	Total	£5000	
	Deduct	4000	amount of prizes.
		£1000	

VIII. And be it further Enacted, That the said managers shall, before any tickets are issued, give their bond or bonds with sufficient security, payable to the said trustees and their successors, in the penalty of two thousand pounds, with condition for the faithful discharge of the trust reposed in them by this Act, which bond shall be recorded in the court of the county of Warren, and any person injured may have judgment against

the managers; and all monies which may be drawn as a prize or prizes, and not applied for in six months, shall be deemed a donation to the said academy.

IX. And be it Enacted, That nothing herein contained shall be construed so as to make this one of the academies mentioned in the constitution of the State. (Passed Jan. 6, 1787.)

CHAPTER LXV.

An Act to Annex Part of the County of Granville to Warren.

Whereas the annexing a part of the county of Granville to Warren will tend greatly to the ease and convenience of those inhabiting the same:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, all that part of Granville county included within the following bounds, viz. Beginning at the point where the line of division between Warren and Granville counties shall touch the line of division between this State and the State of Virginia, and running thence west along the said line to Nutbush creek, thence up said creek as it meanders to the mouth of Anderson's swamp, thence up the said swamp to the fork, thence up the south fork of the said swamp to Stark's mill, thence by a line to be run due south until it shall touch the aforesaid line of division between Warren and Granville, be, and the same is hereby annexed to, and shall be and remain a part of the county of Warren: Provided, Nothing in this Act shall be understood to prevent the sheriff of the county of Granville from collecting all public taxes now due in that part of the county which comes within the description of this Act.

II. And be it further Enacted by the authority aforesaid, That Benjamin Hawkins, John Macon, Pleasant Henderson, John Williams, Daniel ————, Gulielmus Smith, or a majority of them, shall be and they are hereby appointed commissioners, for the purpose of running the said dividing line from the mouth of Anderson's swamp agreeable to the directions of this Act; which said line when run by the said commissioners, or a majority of them, shall be by them entered on record in the court of each of the said counties, and the same shall be deemed and taken to be the line as intended by this Act. (Passed Jan. 1, 1787.)

CHAPTER LXVI.

An Act to Enable William Moore, Late Sheriff of Burke County, to Collect all the Taxes Due From the Said County for the Year One Thousand Seven Hundred and Eighty-five, and to Allow Him a Further Time for Settling for His Collections With the Treasurer.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That William Moore, late sheriff of Burke county, shall be allowed until the first day of May next, to settle for his collection of public taxes due for the year one thousand seven hundred and eighty-five with the treasurer of this State, and in the mean time the treasurer shall forbear to commence any action for such collection, and to suspend the progress of all such as have been already brought for said taxes, against the said Moore.

II. And be it further Enacted, That the said Moore shall be, and he is

hereby authorised to collect all the said taxes yet due for the year aforesaid, from the inhabitants of the said county, and to that end shall have and be invested with the same powers and authorities, as to the collection of and distraining for the same, as collectors of public taxes are invested with by the laws of this State, and shall be allowed for such collection and payment of the monies into the public treasury, on or before the said first day of May next, a commission of two and a half per cent. (Passed Jan. 6, 1787.)

CHAPTER LXVII.

An Act for Establishing an Academy at the Place Heretofore Called Martinborough, in the County of Pitt; and for Altering the Name of Martinborough to That of Greenesville.

Whereas liberal subscriptions have been made, and a prospect of considerable additions towards establishing a seminary of learning at Greenesville, lately called Martinborough, in the county of Pitt: And whereas the proper education of youth is essential to the happiness and prosperity of every community, and therefore worthy the attention of the Legislature:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That an academy be erected and established at Greenesville, in Pitt county, for the education of youth, under the name and stile of the Pitt academy.

II. And be it further Enacted by the authority aforesaid, That Richard Caswell, Hugh Williamson, William Blount, John Simpson, James Armstrong, James Gorham, John Hawkes, John Williams, Robert Williams, Arthur Forbes, Benjamin Moy, John Moy and Reading Blount, and they and their successors to be elected in manner hereinafter directed, shall forever be a body politic and corporate in deed and in name, by the stile of the trustees of the Pitt Academy, and by the same name they and their successors shall and may have perpetual succession, and be able and capable in law to receive, take and enjoy to them and their successors, lands, tenements, rents and hereditaments of any kind, nature, quality or value, in fee; and also estates for lives and for years, and all sums of money, goods, chattels and things whatsoever, of any nature, quality or value, for building, erecting and supporting the said academy, paying salaries to the president, professors and tutors thereof; and by the same name they and their successors shall and may be able to implead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and before all judges and justices whatsoever, in all actions, pleas, plaints and demands, and to grant, bargain, sell or assign any lands, hereditaments, tenements, goods or chattels; and to act and do all things whatsoever for the use aforesaid, in as full and ample manner and form as any natural person or body politic or corporate can or may by law: That they shall and may have a common seal for the business of them and their successors, with liberty to change, break, alter or make new the same from time to time as they shall think proper.

III. And be it further Enacted by the authority aforesaid, That the said trustees, or any five or more of them, shall have full power and authority to meet at all times when they shall think proper at the said academy, to deliberate, resolve upon and carry into effect the laws and regulations to be by them made for the government of the said academy, and shall have full power to fill up any vacancies which may happen in the said incorpor-

ated body of trustees, by the death, refusal to Act, resignation or removal out of the State of any of its members; and the persons appointed to fill such vacancies, shall be and they are hereby declared to have the same power and privileges as the trustees named in and by this Act.

IV. And be it further Enacted by the authority aforesaid, That the said Trustees or a majority of them, be and they are hereby authorised and empowered to convene at Greenesville, on the first Monday in April next after the passing of this Act, and then and there elect and constitute by commission in writing under their hands, or the hands of a majority of them, and sealed with the common seal of the corporation, a proper person to preside at the said academy, who shall be a trustee during his continuance in office, and vested with the same powers, privileges and authorities as any trustee named in and by this Act; and such president, and the trustes or their successors, or any five or more of them, at all other times thereafter when met together at Greenesville, shall have full power and authority to elect and constitute one or more professors or tutors, a secretary, treasurer and steward; and also to make and ordain such laws, rules and regulations not repugnant to or inconsistent with the laws of this State, for the well ordering and governing the students, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress they shall have made in useful knowledge, in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue. Provided, That nothing herein contained shall be construed so as to authorise the said trustees to grant degrees of either bachelor or master of arts, or of doctor in any faculty.

V. And be it further Enacted by the authority aforesaid, That the said trustees or a majority of them are hereby authorised and declared to have power to remove or displace the professors or tutors, the secretary, treasurer and steward, or any of them, if they shall find it necessary, and appoint others in their stead; and in case of the death, resignation, or refusal to act of the president, or any of the said professors or tutors, the secretary, treasurer or steward, others shall be elected by such trustees in the room and stead of those dead, resigning or refusing to act.

VI. And be it further Enacted by the authority aforesaid, That every treasurer appointed by the trustees aforesaid, shall previous to his entering upon his office, enter into bond in the sum of one thousand pounds payable to the trustees aforesaid, conditioned for the faithful discharge of his said office and the trust reposed in him; and that all monies and chattels belonging to the said corporation, which shall be in his hands at the expiration of his office shall then be immediately paid and delivered into the hands of his successor in office; and every treasurer shall receive all monies, donations, gifts, bequests and charities whatsoever that may belong or accrue to the said academy during his office, and at the expiration thereof shall account with the trustees for the same; and on his neglect or refusal to pay and deliver to his successor as aforesaid the monies and chattels in his hands, the same mode of recovery shall and may be had against him, as is or may be had for the recovery of monies from sheriffs or other persons chargeable with public monies.

VII. And be it further Enacted by the authority aforesaid, That nothing in this Act shall be construed to prevent the trustees from distinguishing the public hall or their library by the name of such persons, who may within two years from the said first Monday in April next make the most

liberal donations to the said academy: Provided nevertheless, That this seminary shall not be construed one of those mentioned or intended by the constitution.

VIII. And be it further Enacted by the authority aforesaid, That the said town heretofore known and called by the name of Martinborough, shall be hereafter called by the name of Greenesville; and that all laws which respect the said town by the first mentioned name, and all records and proceedings of whatever nature which have been heretofore made, had or done under the said first mentioned name, shall be to all intents and purposes as valid and effectual in law, as if the name of the said town had not been changed; any usage or custom to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER LXVIII.

An Act for the Promotion of Learning in the County of Chatham.

Whereas the establishing an academy in the said county for the education of youth will be attended with many advantages, and being an healthy situation and provisions cheap, students may be genteely accomodated at a moderate expence; and some provision being already made for such an institution:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Encated by the authority of the same, That Doctor James White, John Williams, attorney at law of Chatham, James Anderson, George Lucas, Matthew Jones, John Montgomery, John Taylor, Patrick St. Lawrence, Doctor James Servant Jones, and Ambrose Ramsey, Esquires, shall be and they are hereby declared to be a body politic and corporate, to be known and distinguished by the title of the trustees of Pittsborough academy, shall have perpetual succession and a common seal; and that the said trustees and their successors by the name aforesaid, and their successors or a majority of them, shall be able and capable in law, to take, demand, receive and possess all monies, goods and chattels that shall be given them for the use of the said academy, and the same apply according to the will of the donors; and by gift, purchase or devise, to take, have, receive, possess, enjoy and retain to them and their successors for ever, any lands, rents, tenements or hereditaments, of what kind, nature or quality soever the same may be, in special trust and confidence that the same or the profits thereof shall be applied to and for the uses and purposes of establishing and endowing the said academy, building or purchasing a convenient house, purchasing a library and philosophical apparatus, and supporting and paying the salaries of such number of professors and tutors as to them shall seem necessary.

II. And be it further Enacted by the authority aforesaid, That the said trustees or a majority of them, shall and they are hereby authorised to choose a president, treasurer and secretary out of their own body; they may also choose professors and tutors for the academy, and the same may remove at pleasure; and they shall have authority to make bye-laws for the government and regulation of the academy, and the same to alter and amend. Provided nevertheless, That such laws shall not be repugnant to the laws of this State, their morals, studies and academical exercises as to them shall seem meet; and to give certificates to such students as shall leave the said academy, certifying their literary merit and progress of useful knowledge; and further, that on death, resignation, refusal to act or mis-

conduct, of either professors or tutors, the secretary, treasurer or steward, others shall be elected in their room and stead, a majority of the trustees agreeing thereto.

III. And be it further Enacted by the authority aforesaid, That the treasurer of the said board of trustees shall enter into bond and security to the trustees, conditioned for the faithful discharge of the trust reposed in him by this Act; and that all monies and chattels that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding treasurer; and every treasurer shall receive all monies, donations, gifts and charities that may belong or accrue to said academy during his office, and at the expiration thereof shall account with the trustees or a majority of them for the same, and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovery may be had against him as is or may be provided for the recovery of money from sheriffs or other public officers.

IV. And be it further Enacted by the authority aforesaid, That if any trustee shall neglect attending at the stated meetings of the board for the space of two years, or if any of them shall die or otherwise resign his office, the remaining trustees or a majority of them, shall at their next meeting choose another trustee in the room of the person thus neglecting his duty, dying or resigning his office.

V. And be it further Enacted by the authority aforesaid, That the trustees by this Act appointed or a majority of them, shall meet annually on the first Monday in February in each and every year, or at any other time they may think more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the trustees at any time he may find it necessary. Provided Always, That he shall give ten days previous notice of such meetings; and that the president and treasurer shall be chosen on the said first Monday in February unless in case of unavoidable accidents. Provided, That nothing herein contained shall be construed or understood so as to make the academy hereby established, one of those mentioned in the constitution of this State. (Passed Jan. 6, 1787.)

CHAPTER LXIX.

An Act to Vest in Trustees Certain Powers for the Benefit of Elizabeth Torrens and Her Children.

Whereas the court of pleas and quarter sessions for Dobbs county hath been pleased to grant for the benefit of Elizabeth Torrens and her children, a certain portion of real and personal estate of Thomas Torrens, suggested to have been confiscated, and the order of the said court not having been sufficiently explicit in declaration of the use or appointing the trust; to prevent inconveniency and confusion that may therefrom arise:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That James Kenan, John Molton and James Sampson, be and they are hereby appointed trustees for the purposes of laying off one third part of the personal estate granted as aforesaid, for the sole benefit of Elizabeth Torrens, the remainder to be for the sole benefit of her children. And the said Elizabeth having relinquished her right in the lands granted as aforesaid to her children,

II. Be it further Enacted, That the said trustees shall have power and authority so to use the same as to them may seem most fitting to promote their improvements for the benefit of the said children; or if it should

appear to them conducive to the advantage of their trust, to sell the said lands for the purchase of others of greater or equal worth to the said children.

II. And be it further Enacted by the authority aforesaid, That the trustees aforesaid or a majority of them, before entering on the execution of their trust, shall take the following oath, viz. "I, A. B. having been appointed by the General Assembly a trustee for the purpose of managing the estate real and personal granted by the court of pleas and quarter sessions of Dobbs county, for the use of Elizabeth Torrens and her children, do swear that I will truly, faithfully and impartially manage the same, agreeably to the powers in me vested, according to the best of my knowledge and ability. So help me God."

IV. And be it further Enacted by the authority aforesaid, That the said trustees before entering into the execution of the said trust, shall enter into a joint and several bond to the chairman of Duplin court, in the sum of five thousand pounds for the use of Elizabeth Torrens and her children, to be void on condition of the equitable discharge of their said trust, and shall make return of all their proceedings to the said court of Duplin; which is hereby declared to have such superintending powers in the premises over the proceedings of the said trustees as they exercise in cases of orphans and guardians. (Passed Jan. 6, 1787.)

CHAPTER LXX.

An Act for Cutting a Canal From Currituck Sound to the Indian Ridge, and From Thence to the Head of North River, or as far as the Commissioners Herein Named Shall Think Proper.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Thomas Younghusbands, William Maund, Thomas Mercer, sen. Hillery Simmons, William Ferebe, James Dauge and Joseph Ferebe, be and they are hereby authorised and appointed commissioners to lay off and cut a canal, beginning at the sound side near Currituck court house, from thence a strait course as near as possible to the Indian ridge to intersect the new road that leads to Cambden county, from thence to the North river nearly as the said road runs, or as the aforesaid commissioners shall think proper.

II. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the above mentioned commissioners, to sue for and receive all sums of money that is or hereafter may be subscribed for the purpose of cutting the said canal.

III. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the said commissioners, and they are hereby authorised and empowered, to cut the said canal through the land of any person being a subscriber to the same, where it shall be necessary to carry the same; any law, usage or custom to the contrary notwithstanding: Provided nevertheless, That all damages occasioned by cutting the said canal through the lands of any person, shall be valued by the county court, or three freeholders on oath, to be chosen by the court, which value shall be paid to the proprietors of such land by the commissioners before mentioned.

IV. And be it further Enacted by the authority aforesaid, That it shall not be lawful for any person or persons whatsoever, to cut any ditch or canal into the aforesaid canal without the consent of the commissioners aforesaid, or a majority of them, under the penalty of one hundred pounds,

to be recovered by the said commissioners, before any court of record having cognizance thereof, and to be by them applied to the purpose of keeping in repair the aforesaid canal.

V. And be it further Enacted by the authority aforesaid, That the county court of Currituck shall have full power and authority to levy a toll on all persons passing in the said canal or on the banks thereof; which toll shall be collected by the commissioners aforesaid, and applied to the purpose of keeping in repair the aforesaid canal; and if there should be any surplus, the same shall be distributed amongst the subscribers in proportion to each subscription. (Passed Jan. 6, 1787.)

CHAPTER LXXI.

An Act Empowering Commissioners to Dispose of the Lands and Glebe the Property of St. John's Parish, Formerly of the County of Bute, Now in Franklin.

Whereas in the building of the Glebe aforesaid there is yet a balance due Robert Goodlor, Esquire, which ought to have been paid before the division of Bute county: And whereas by the purchase of the aforesaid Glebe, it is considered to be the property of Warren and Franklin, and it is now become of no use to either county:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and by the authority of the same, That Bennet Hill, Edward Jones and William Ransom, or any two of them, be and are hereby appointed commissioners, with full power and authority to sell the lands and Glebe aforesaid upon eighteen months credit, the purchaser giving bond and security for the faithful performance therof, the commissioners first giving three months public notice of such sale, by advertisement at the court houses of Warren and Franklin aforesaid.

II. And be it further Enacted, That the commissioners appointed by this Act, shall previous to the entering on the business hereby intended, give bond and security to the presiding justice of either the aforesaid counties in a bond of two thousand pounds, for the faithful application of the monies arising from such sale, in the manner as is hereafter directed.

III. And be it further Enacted, That the commissioners aforesaid shall, after their collecting the monies arising from such sale aforesaid, first pay unto Robert Goodlor his just demands against the parish aforesaid for building the aforesaid Glebe, and the residue shall be paid one half to the county court of Franklin, and the other half to the county court of Warren, to be by them applied towards lessening the taxes of the aforesaid counties. (Passed Jan. 6, 1787.)

CHAPTER LXXII.

An Act to Vest the Title of a Piece or Parcel of Land Lying in Jones County, in Howel Brown and His Heirs, in Fee Simple.

Whereas it appears to the satisfaction of this General Assembly that Howel Brown, of Jones county, on the eighth day of December, in the year one thousand seven hundred and seventy-nine, did purchase of Durham Leigh, of Duplin county, a certain piece or parcel of land lying in Jones county on the west side of Joshua's creek, containing two hundred acres, butted and bounded as follows, to wit, beginning at a gum in the edge of said creek near Elisha Blackshear's line, and runs with his line north seven-

ty-two degrees west one hundred and fifty-four poles to his corner white oak, then north eighty degrees west ten poles to Benjamin Fortham's corner dogwood, then with his line north sixty-three degrees west forty-four poles, then north four degrees east one hundred and sixty poles, then north eighty-nine degrees east seventy poles to a pine in Joseph Kinsey's line, then with his line south thirty-six degrees east eighty-eight poles to his corner pine, then with another of his lines north sixty-one degrees east fifty poles to his corner pine on the south side of said creek, then with the various courses of the same to the beginning; and did in good faith pay the purchase money thereof unto the said Durham Leigh, who since the said purchase hath withdrawn himself from this and the United States, and attached himself to the enemies of the same; and his estate by law hath been confiscated, and hath made no assurance to the said Howel Brown to vest the said land in him and his heirs in fee simple:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Howel Brown be, and is hereby invested with absolute right in fee simple of and to the before recited tract or parcel of land containing two hundred acres aforesaid, in as full and ample manner as he would have been, if the said Durham Leigh had executed to him a good and sufficient title in law for the aforesaid tract or parcel of land; any law to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER LXXIII.

An Act for Levying a Tax in the District of Edenton, for Building the Gaol of the Said District.

Whereas the tax levied for the purpose of building a gaol in the district of Edenton has proved deficient, and the monies in the hands of the commissioners have been all expended in purchasing materials for the same:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That each and every hundred acres of land in the county of Chowan shall be subject to a tax of four pence, each poll to a tax of one shilling, and each hundred pounds value of town property to a tax of one shilling: And there shall also be collected in the counties of Tyrrel, Bertie, Perquimans, Pasquotank, Cambden, Currituck, Hertford and Gates, the sum of two pence on every hundred acres of land, and a tax of six pence on every poll, and on every hundred pounds value of town property a tax of six pence in the said counties, to be collected for the year 1786 at the time and in the manner the public taxes are collected for that year; which tax of four pence on every hundred acres of land, and of one shilling on every poll, and of one shilling on every hundred pounds value of taxable property in the county of Chowan, and in the counties of Bertie, Tyrrel, Perquimans, Pasquotank, Cambden, Currituck, Hertford and Gates, the sum of two pence on every hundred acres of land, the sum of six pence on every poll, and on each hundred pounds value of town property the sum of six pence, shall also be levied and collected for the year 1787, in the same manner and at the same time the public taxes laid by the present General Assembly are collected.

II. And be it further Enacted, That the sheriffs of each county shall account with the commissioners appointed for building the said gaol under the same penalties and restrictions as for public taxes, and pay the money

into their hands for the purposes aforesaid; which payment shall be allowed them in the settlement of their accounts. (Passed Jan. 6, 1787.)

CHAPTER LXXIV.

An Act to amend an Act passed at Hillsborough in the Year one thousand seven hundred and eigthy-two, entitled, "An Act to vest the Title of a certain Tract of Land in Robert Cummins."

Whereas it is enacted by the before recited Act that Robert Cummins of Guilford county, should pay into the hands of James Martin, John Peasly and John Gillispie, Commissioners of the confiscated property for the said county, or any two of them, the money due by him to Archibald and John Hamilton for the aforesaid tract of land in specie, and the Commissioners aforesaid to make him a good and sufficient deed of conveyance for the same. And whereas the above Commissioners resigned their commissions before the said Robert Cummins was able to procure the specie to pay for the said tract of land:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that the said Robert Cummins make due proof to the satisfaction of the county court of Guilford of the money and interest due to said Archibald and John Hamilton for the said land, and shall pay the same to Charles Bruce, Commissioner of confiscated property for the district of Salisbury, that then and in that case the said Charles Bruce shall make to the said Robert Cummins a good and sufficient title to the said land, agreeable to the before recited Act.

II. And be it enacted, That so much of the before recited Act as comes within the purview of this Act, is hereby repealed and made void. (Passed Jan. 6, 1787.)

CHAPTER LXXV.

An Act to appoint Commissioners to Carry on and Finish the Public Buildings in the County of Anson.

Whereas some of the commissioners for carrying on and finishing the court-house, prison and stocks in the county of Anson, are some dead, and others have removed out of the said county, without effecting the purposes for which they were appointed:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That James Marshal, Stephen Pace, Jonathan Jackson and Theodoric Webb, be, and they are hereby appointed Commissioners to carry on and finish the court-house, prison and stocks in the said county, in the same manner and under the same regulations and restrictions that the former Commissioners were bound to do the same, they first giving bond and security to the county court of Anson in the sum of five hundred pounds, conditioned for the faithful discharge of the duties enjoined by this Act.

II. And be it further enacted by the authority aforesaid, That the Commissioners by this Act appointed shall have full power and authority to demand and receive all sums of money which have been levied for the purpose of erecting the aforesaid buildings, from any person or persons who may have collected or receive the same, and failed to apply it to the purposes for which the same was levied; and in case they shall fail or neglect to pay the same the Commissioners by this Act appointed are hereby

authorized to enter up judgment against such persons, for the balances they may respectively owe, in the same manner that the public Treasurer is directed to enter up judgment against delinquent sheriffs. (Passed Jan. 6, 1787.)

CHAPTER LXXVI.

An Act for Establishing a Town on the Lands of Andrew Bass.

Whereas it is represented to this General Assembly that a town on the lands of Andrew Bass, on the North side of Neuse River in Wayne county, where the court-house and other public buildings now stand, would tend to the promotion of commerce, and the ease and convenience of the inhabitants of said county in attending courts and other public business; and the said Andrew Bass having signified his assent to a certificate under his hand, to have sixty acres of land laid off for a town and fifteen for commons:

I. Be it therefore enacted by the General Assembly of the state of North-Carolina, and it is hereby enacted by the authority of the same, That the Directors or Trustees hereafter appointed, or a majority of them, shall as soon as may be after the passing of this Act, cause seventy-five acres of the land aforesaid to be laid off in lots of half an acre each, with convenient streets, lanes and alleys; which lots so laid off according to the directions of this Act, are hereby constituted and erected a town and shall be called by the name of Wanesborough.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, William M'Kennie, Sen., Burwell Moring, William Whitfield, Joseph Green, William Whitfield, Jun., David Jernegan, Jun., Richard Bass, William M'Kennie, Jun., and William Fellows, be and they are hereby constituted Directors and Trustees for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee simple of the said seventy-five acres of land to and for the uses, intents and purposes hereby expressed and declared; and they or a majority of them shall have full power and authority to meet as often as they shall think necessary, and cause a plan thereof to be made and therein to insert a mark or number to each lot; and as soon as the said town shall be laid off as aforesaid, they and each of them shall have power to take subscriptions for the said lots of such persons as are willing to subscribe for them, and when the said Directors shall have taken subscriptions for sixty lots or upwards, they shall appoint a day, and give public notice to the subscribers of the day and place appointed for the drawing of the said lots, which shall be done by ballot in a fair and open manner by the direction and in the presence of a majority of the said Directors at least; and such subscriber shall be entitled to the lot or lots which shall be drawn for him and correspond with the mark or number contained in the plan of said town; and the said Directors or a majority of them, shall make and execute deeds for granting and conveying the said sixty acres of land in half acre lots as aforesaid, to the subscribers, their heirs and assigns forever, and also to every other person or persons who shall purchase any other lot or lots in the said town, at the cost and charges of the said grantee to whom the said lot or lots shall be conveyed as aforesaid; and every person claiming any lot or lots by virtue of any such conveyance, shall and may hold and enjoy the same in fee simple.

III. And be it further enacted by the authority aforesaid, That each respective subscriber for any lot or lots in the said town, shall within one

month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said Directors or any one of them, the sum of three pounds five shillings for each lot by him subscribed for; and in case of the neglect or refusal of any subscriber to pay the said sum, the said Directors shall and may commence and prosecute a suit or suits for the same, and therein shall recover judgment with costs of suit; and the said Directors shall as soon as they receive the said money, pay and satisfy unto the said Andrew Bass, his heirs or assigns, the sum of three pounds for each lot in full satisfaction for the said lands, and the remainder in their hands shall be applied towards defraying the expences of laying off and improving the said town, in such manner as a majority of the Directors shall think proper. And for continuing the succession of the said Directors until the said town shall be incorporated:

IV. Be it enacted by the authoity aforesaid, That in case of the death, refusal to act or removal out of the county of any of the said Directors, the surviving Directors, or a majortiy of them, shall assemble and are hereby impowered from time to time by instrument of writing under their respective hands and seals to nominate some other person being a freeholder in said town, in the place of him so dying, refusing to Act or removing out of the county, which new Director so nominated and appointed, shall from thenceforth have the same powers and authorities in all things in the matters herein contained, as if he had been expressly named and appointed in and by this Act. Provided nevertheless, That the said Andrew Bass shall have to his own use a reserve of three lots of his own chusing, which choice shall be made previous to the day of balloting for the said lots.

V. And be it further enacted by the authority aforesaid, That the Directors shall have full power and authority to pull down any chimney built of wood in the said town, or any piazza, or any other building of any kind whatsoever that may be made on any street, lane or alley in said town; or prevent stock of all kinds whatsoever from running at large, so as to interrupt any of the said streets, lanes or alleys, as a majority of them shall think proper.

VI. And be it enacted by the authority aforesaid, That the three acres of land formerly conveyed for the purpose of building a court-house, prison and stocks, be part of the aforesaid sixty acres, and under the same rules and restrictions, except one lot where the court-house now stands in said town, and one other where the Commissioners for building the court-house, prison and stocks may think necessary to build the prison and stocks on. (Passed Jan. 6, 1787.)

CHAPTER LXXVII.

An Act to Erect and Establish an Academy in the County of Franklin.

Whereas the establishing an Academy in the said county for the education of youth will be attended with great advantages to the State in general, and the county of Franklin in particular:

I. Be it therefore enacted by the General Assembly of the State of North-Carolina, and it is hereby enacted by the authority of the same, That Doctor John King, William Lancaster, Josiah Love, Benjamin Seawell, Robert Goodlow, Robert Bell, Jorden Hill, Francis Taylor, Hugh Hays, William Green, Thomas Stokes and Doctor William Varell, Esquires, be and they are hereby constituted and appointed Trustees, with full power and authority to receive into their hands and possession, all monies and other property which have

been or hereafter may be subscribed for the purpose of erecting an academy in the town of Lewisburg in the county aforesaid by the name of Franklin academy, and the said Trustees and their successors shall be able and capable in law to ask for and demand, receive and possess of the several subscribers all sums by them respectively subscribed, and in case of refusal of any of them to pay the same, to sue for and recover by action of debt or otherwise, in the name of the Trustees, the sum which such person so refusing shall have subscribed, in any jurisdiction having cognizance thereof, and the monies when collected and received to be applied by the said Trustees or a majority of them towards paying for the house already contracted for to be erected in the said town, to contract with and employ a Tutor or Tutors, and to perform every act or thing that they or a majority of them shall think necessary and expedient for the advancement of the said academy, and the promotion of learning therein.

II. And be it further enacted by the authority aforesaid, That the Trustees herein before mentioned, shall previous to their entering on the execution of the trust reposed by this Act, give bond to the court of the county, payable to the Chairman and his successor, in the sum of one thousand pounds specie, with condition that they shall well and faithfully account for and apply all gifts, donations, bequests and monies which they may receive of and by virtue of this Act for the purposes aforesaid.

III. And be it further enacted by the authority aforesaid, That if any of the Trustees by this Act appointed shall die, refuse to act or remove away, that he cannot attend the duties of his appointment, the remaining Trustees may appoint another or others in his or their stead, who shall exercise the same powers as Trustees appointed by this Act, and when met together in said town shall have power and authority to elect and constitute one or more Tutor or Tutors and a Treasurer, and also to make and ordain such rules and regulations not repugnant to the laws of this State for the well ordering of the students, their morals, studies and academical exercises as to them shall seem meet, and to give certificates to such students as shall leave said academy certifying their literary merit: Provided, They shall not on any account confer any degree such as Bachelor or Master of Arts, or Doctor in any faculty; in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue; and the said Trustees or a majority of them are hereby impowered and shall have lawful authority to remove the Tutor or Tutors, Treasurer or any of them if they shall find it necessary, and on the death, resignation or refusal to act of any of them, to appoint and elect others in the stead of those displaced, dead or refusing to act.

IV. And be it further enacted by the authority aforesaid, That the Trustees by this act appointed or a majority of them and their successors, shall meet annually on the second Monday in December in each and every year, or at any other time they may find more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the Trustees at any time he may find it necessary. Provided always, That he shall give ten days previous notice of such meetings; and that the President and Treasurer shall be chosen on the said second Monday in December unless in cases of unavoidable accident.

V. And be it further enacted by the authority aforesaid, That the Treasurer of the said board of Trustees shall enter into bond with sufficient security to the Trustees, conditioned for the faithful discharge of the trust reposed in him by this Act; and that all monies and chattels that shall be in

his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding Treasurer; and every Treasurer shall receive all monies, donations, gifts, bequests and charities that may belong or accrue to said academy during his office, and at the expiration thereof shall account with the Trustees or a majority of them for the same, and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovery may be had against him as is or may be provided for the recovery of money from Sheriffs or other public officers. (Passed Jan. 6, 1787.)

CHAPTER LXXVIII.

An Act for establishing a Town on the Land of Robert Burton, Esquire, in the County of Granville.

Whereas it hath been represented to this General Assembly that part of the lands of Robert Burton, Esquire, in Granville county, on the great road and the fork thereof, one leading from Petersburgh in Virginia to Fayetteville, and the other from Halifax to Hillsborough and the western parts of this State, is a high, healthy and pleasant situation, well watered with cool refreshing springs, and also well calculated for an inland manufacturing town:

I. Be it therefore enacted by the General Assembly of this State, and it is hereby enacted by the authority of the same, That seventy-five acres of land, including the streets and lots when the same shall be laid off according to the directions of this Act, be and the same is hereby constituted, erected and established a town, and shall be called Williamsborough.

II. And be it enacted by the authority aforesaid, That from and after the passing of this Act, the Honorable John Williams, Esquire, Bromfield Ridley, Philemon Hawkins, Jun., John Somerville, Thomas Satterwhite, Leonard Hendly Bullock, Robert Burton, Howel Lewis, Thornton Yancey, Howel Lewis, Jun., John Young, Robert Coleman, Samuel Smith and Thomas Mutter, Esquires, be, and they and every of them are hereby constituted Directors and Trustees for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee in the said seventy-five acres of land to and for the uses, purposes and intents herein expressed and declared; and they or any eight of them shall have full power and authority to meet as often as they shall think necessary, and to lay off the said seventy-five acres of land into lots on both sides of the said road, with a large commodious street of ninety feet wide passing through the said town, each lot containing one acre of land, and to be one hundred and forty-eight feet in front and three hundred feet back, and cause a plan to be made and thereon insert the marks and numbers to each lot. Provided nevertheless, That nothing in this Act shall be construed or extend to grant power to the said Directors or their successors, to dispose of such lots within the said limits as have heretofore been sold and disposed of by the said Robert Burton, nor such as he has reserved for himself and built thereon, unless the said Robert or other person to whom he has sold, shall refuse or neglect to comply with this act by building on and improving those lots so sold or reserved, as others according to the directions of this Act are bound to do. And provided also, That nothing herein contained shall be construed so as to vest the property of the church in the said town and one acre of land whereon the said church is built, in the said Robert Burton or any other person or persons holding the same by, from or under him.

III. And be it further enacted by the authority aforesaid, That the said

Commissioners shall cause the said town immediately to be laid off into lots, &c., as herein before directed, and shall and may take subscriptions of such persons as may see cause to subscribe for the same until the whole shall be subscribed for; and the Directors or a majority of them shall within three months after the whole shall be subscribed for, appoint a time for the meeting of the said subscribers on the said land, for determining the property of each particular lot, which shall be done by ballot in a fair manner by the direction and in the presence of a majority of the Directors at least; and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him, her or them, and correspond with the number contained in the plan of said town; and the said Directors or a majority of them, shall execute deeds for the granting and conveying the said lots to the subscribers, their heirs and assigns forever, and also to any other person or persons who shall purchase a lot or lots within the said town, at the proper cost and charges of the grantee to whom the same shall be conveyed; and any person claiming any lot or lots by such conveyance, shall and may hold and enjoy the same in fee simple. Provided nevertheless, That every grantee of any lot or lots within the said town so conveyed, shall within ten years next after the date of the conveyance of the same, erect, build and finish on each lot so conveyed, one well framed house sixteen feet square at least and ten feet pitch in the clear, or proportionable to such dimensions if such grantee shall have two or more lots contiguous, with a brick or stone chimney to such house; and if the owner or owners of such lots shall fail to pursue and comply with the directions by this act prescribed for building and finishing a house thereon, then such lot or lots on which such house or houses shall not be built and finished, shall be revested in the said Directors; and the said Directors or a majority of them, may and they are hereby empowered and authorized to sell such lot or lots at public vendue for the most they will fetch, and to convey to the purchaser of such lot or lots the same, in such manner and under such restrictions as they could or might have done if such lot or lots had not before been sold and granted.

IV. And be it further enacted, That the said subscribers shall one month after it shall be ascertained to whom each of the said lots doth belong in manner herein before mentioned, pay and satisfy to the said Directors the sum of six pounds for each lot by him, her or them subscribed for; and in case of refusal or neglect of any subscriber to pay the said sum, the said Directors shall and may prosecute a suit in their name for the same, and therein recover judgment with costs of suit.

V. And be it further enacted by the authority aforesaid, That all the monies that shall arise in the first instance fom the subscription for the said lots, shall be paid to the said Robert Burton as a compensation for said land; and that whatever monies may arise from the sale of lots after sold for want of complying with this Act in improving the same, shall be applied by the Directors or a majority of them, in hiring and employing some minister of the gospel to preach to the inhabitants of the said town. And for continuing the succession of the said Directors until the said town shall be incorporated:

VI. Be it further enacted by the authority aforesaid, That in case of the death, refusal to act or removal out of the county of any of the said Directors, the surviving or other Directors, or a major part of them, shall assemble and are hereby impowered from time to time by instrument of writing under their respective hands and seals (which instrument shall be recorded in the court of the county) to nominate and appoint some other person or persons being an inhabitant, inhabitants, freeholder or freeholders of the

said town, in the place of him or them so dying, refusing to act or removing out of the said county; which new Director or Directors, so nominated and appointed, shall from thenceforth have the like power and authority in all things and matters herein contained as if he or they had been expressly named and appointed in this Act. (Passed Jan. 1, 1787.)

CHAPTER LXXIX.

An Act Appointing Commissioners to fix on a Convenient Place for Holding the Courts of Pleas and Quarter Sessions in the County of Washington, and for vesting the Commissioners herein mentioned with full power to call out of the former Commissioners hands such sums of money as may appear to be due in their hands.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That Benjamin Ward, Robert White, Edmond Williams, William Moore, John Hammer, Robert Love, and William Presly, or a majority of them, be and they are hereby appointed Commissioners to lay off and appoint the place where the court-house, prison and stocks, for the use of the said county of Washington, shall be erected or cause the same to be erected: And for defraying the expences of the said building, that the Commissioners aforesaid shall have full power and authority to call all such sums of money out of the hands of the former Commissioners, their heirs, executors, administrators or assigns that were heretofore appointed for erecting the said buildings that hath not been applied to the use aforesaid: And perhaps there may not be a sufficient sum in their hands to compleat the said buildings:

II. Be it further enacted by the authority aforesaid, That a tax not exceeding one shilling be taxed on each poll in the said county, and four pence on each hundred acres of land for the purpose aforesaid, and that the same shall be collected by the same persons and in the same manner as the public taxes in the said county are, and all such money so collected shall be paid into the hands of the Commissioners herein named for erecting the said public buildings; and on non payment of the tax to be collected in virtue of this Act by the Sheriff or other Collector thereof, the said Sheriff or other Collector shall be liable to the same penalties as for other public taxes, and the said Commissioners shall be entitled to the same mode of recovery against the said Sheriff or other Collector, as other public officers are entitled to have against them on non-payment of the public taxes.

III. And be it further enacted by the authority aforesaid, That the Sheriff or other Collector of the said county of Washington, is hereby empowered and directed to account for and pay the money by him collected for the purpose of building the aforesaid court-house, prison and stocks to the Commissioners aforesaid, after deducting his commissions for collecting the same.

IV. And be it further enacted by the authority aforesaid, That the Commissioners herein before appointed, or a majority of them, are hereby empowered and directed to employ workmen to build the court-house, prison and stocks in the said county of Washington; and the courts of the said county may be held at the house of William Davis in the said county, until the court-house, prison and stocks shall be built; unless the court for the said county may think proper to adjourn to the appointed place sooner, and then all process shall be returnable agreeable to adjournment.

V. And be it also enacted by the authority aforesaid, That all Acts here-

tofore made, that comes under the purview of this Act, are hereby made void. (Passed Jan. 6, 1787.)

CHAPTER LXXX.

An Act for Altering the Manner of holding the Annual Elections for the County of Hyde.

Whereas the most eastern part of the county of Hyde is at so great a distance from the place of holding elections, and a dangerous passage by water of fifty miles distance through a very rude sound, that is extremely inconvenient for the freemen in the eastwardly part to attend the elections of members for said county, whereby many persons are prevented from giving in their suffrages for persons to represent them in the General Assembly: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolian, and it is hereby enacted by the authority of the same, That from and after the passing of this Act, the annual elections for the said county shall be held and taken in the following manner, that is to say, the election shall begin at the house of Mr. Jefferys, at the Lake landing on Mattimuskeet, the second Saturday in August in every year, and shall continue until sunset of the same day in manner by law directed, when the Sheriff and the Inspectors shall seal up the ballot-boxes, and the third Saturday in August shall proceed with the boxes and the several lists of voters by them taken, to the court-house in the town of Woodstock, and on Saturday being the second and last day of the annual elections throughout the state, the poll shall be opened at Woodstock, the seals taken off the ballot-boxes, and the election continued until sun-set for such of the county electors who shall not have voted before, and the poll shall be opened on both days at ten o'clock; any law to the contrary notwithstanding.

II. And be it further enacted by the authority aforesaid, That the electors of the said county as may think proper, may give their votes on the first day of the election at the house of Mr. Jefferys, at the Lake Landing; and all such electors of the said county as shall not vote in the said first day of election shall be at liberty to give their votes in the town of Woodstock on the second and last day of the election; and when the election shall be finished in manner by this section directed, the tickets shall be numbered and the members chosen shall be declared in the usual manner.

III. And be it enacted by the authority aforesaid, That in case the seat of any member or members of the said county should be vacant, a writ or writs shall issue for the election of a new member or members to fill the vacant seat or seats in manner herein before directed, that is to say, to hold such election at the different places before mentioned with an intervening week, and in both cases the poll shall be opened at ten o'clock; any law to the contrary notwithstanding.

CHAPTER LXXXI.

An Act for Establishing a Town on the Lands late the Property of William Petty, adjoining Chatham Court-house, as laid off by the Trustees named in the Act of the last General Assembly, entitled, "An Act for establishing a town on the Lands of Mial Scurlock, deceased, in Chatham County," for appointing Commissioners for the Regulation of the said Town, and repealing said Act.

Whereas by an Act of the last General Assembly, entitled, "An Act for establishing a town on the lands of Mial Scurlock, deceased, in Chatham county," Trustees were appointed to lay off one hundred acres of said land into lots of one half an acre each, with convenient streets, lanes and alleys, but on proceeding to carry into effect the duties of their appointment, the executors of the said deceased forbid the said Trustees entering on the said lands for the purposes mentioned in the said Act, suggesting that they were not fully impowered by the last will and testament of the deceased to dispose of the said lands, and might thereby be involved in law-suits at a future day: And whereas the Trustees at the request of the inhabitants of the said county and others have purchased a plantation adjoining the lands mentioned in the before recited Act, as convenient in every respect and equally suitable and proper for a town, and have laid the same off in such manner as in the said Act directed, and the lots being all sold and ascertained to whom each belongs:

I. Be it enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the said lands so laid off by the trustees aforesaid agreeable to a plan thereof, be and is hereby established a town and town commons by the name of Pittsborough.

II. And be it further enacted by the authority aforesaid, That from and after the passing of this Act, George Lucas, Joseph Stewart, Roger Griffith, Matthew Jones, Zachariah Harman, Patrick St. Lawrence, Nathan Stedman, James Massey and William Riddle, be and they are hereby constituted and appointed Commissioners of the said Town, with full power and authority to act and do everything that the Trustees in the before mentioned Act lawfully might do or have done; and shall keep the streets in good order, to which end they are hereby authorized and impowered to appoint an overseer of the same, with authority to summons the inhabitants of the town to work thereon; and in case of refusal or neglect of any inhabitant summoned to work on the streets, or to procure a sufficient person in his stead to perform such work, every such inhabitant so refusing or neglecting shall forfeit and pay the sum of five shillings for each and every refusal or neglect, to be recovered by warrant under the hands and seals of any two of the commissioners on complaint made by the overseer; which money shall be applied in repairing the streets or any other useful works as a majority of the commissioners may think proper; Provided, That no inhabitant of the said town shall be compelled to work on the streets thereof more than four days in any one year.

III. And be it further enacted by the authority aforesaid, That the first meeting of the commissioners shall be held on the first Monday in February next after the passing of this Act, when they shall and may appoint a Chairman, Treasurer, and such other officer as shall appear to them necessary, and adjourn and meet at such times as they shall think proper; and that in all acts of the said commissioners, a majority of them shall constitute a quorum, nor shall they do business with a less number; and that in

case of death, refusal to act or removal out of the county of Chatham of any of the Commissioners by this Act appointed the inhabitants of said town and the owners of lots shall within one month after such vacancy assemble, (ten days previous notice being first given in writing in the most public places) and elect some other person being an inhabitant of the county of Chatham, in the room of him so dying, removing or refusing to act, which person after being so elected, and duly qualified, shall be vested with the same powers and authority as if he had been expressly named and appointed in and by this Act.

IV. And be it further enacted by the authority aforesaid, That the said Commissioners are hereby required and directed forthwith to call to account all persons for any monies which may be in their hands belonging to the said town; and in case of failure or refusal of any such person or persons to pay the same, to bring suit for all such monies as may appear to be retained in the hands of such person or persons, and that all such monies (after paying for the land) shall be applied as a majority of the Commissioners shall think most conducive to the emolument and benefit of the said town.

V. And be it further enacted by the authority aforesaid, That the before recited Act, or so much thereof as comes within the purview or meaning of this Act, be and is hereby repealed and made void. (Passed Jan. 6, 1787.)

CHAPTER LXXXII.

An Act Vesting Certain Lands therein mentioned in John Colson, son of William Colson, in fee simple.

Whereas it is represented to this General Assembly that about fourteen years ago, a certain John Colson made a gift to his son William Colson; of a piece or parcel of land lying near the mouth of Rocky River in Montgomery county, containing by estimation three hundred and fifty-one acres, and actually put his said son in possession of the same; And whereas the said John Colson during the late war, attached himself to the common enemy, and withdrew himself from the state without having made unto his said son William any deed of conveyance for the said lands: And whereas William Colson died some years after, left behind a son named by the name of John Colson, and by his last will and testament devised to his said son John the aforesaid piece or parcel of lands, which in the opinion of some of the citizens of this State is confiscated, as being the property of John, father of the said William, and the Commissioner of confiscated property for the district of Salisbury hath seized the said lands as the property of John Colson, father of the said William Colson, in order to sell and dispose of the same for the use of the state: For the prevention of which,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the title of a piece or parcel of lands in Montgomery county, near the mouth of Rocky River, containing by estimation three hundred and fifty-one acres, which the said John Colson gave to his son, William Colson, be and is hereby vested in the said John Colson, son to William Colson aforesaid, his heirs and assigns forever; any law to the contrary notwithstanding. (Passed Jan. 6, 1787.)

CHAPTER LXXXIII.

An Act to Extend two Acts passed at the last General Assembly held at New Bern, concerning the County Wardens of the Poor and Tobacco Inspection to the County of Chatham.

Whereas it is the desire of the inhabitants of Chatham county, that the following Acts located to particular counties, be extended to the said county:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That one Act of the General Assembly entitled, "An Act to empower the County Wardens of the Poor for the counties therein mentioned, to build houses in their respective counties for the reception of the poor and other purposes;" one other act entitled, "An Act for the inspection of tobacco in certain Western counties," be and is hereby extended to the said county of Chatham.

II. And be it further enacted by the authority aforesaid, That the before mentioned acts shall be in force and have the same validity and effect in the county of Chatham, as if the said county had been expressly named in the said acts; anything to the contrary notwithstanding.

III. And be it further enacted, That the said first mentioned Act shall be extended to the counties of Camden and Currituck, who may take benefit of and use the same for the purposes of the said county, in the same manner and as fully and amply to all intents, as if the said counties had been originally named therein. (Passed Jan. 6, 1787.)

Read three times and ratified in General Assembly, the sixth day of January, Anno Domini 1787.

JAMES COOR, S. S.
JOHN B. ASHE, S. C.

LAWS OF NORTH CAROLINA, 1787.

At a General Assembly, begun and held at Tarborough on the eighteenth Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-seven, and in the Twelfth Year of the Independence of the said State, being the first session of the Assembly. *Richard Caswell, Esq.*, Governor.

CHAPTER I.

An Act declaring the Treaty of Peace between the United States of America and the King of Great Britain to be part of the law of the Land.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the Authority of the same, That the articles of the definitive treaty between the United States of America and the King of Great Britain, are hereby declared to be part of the law of the land.

II. And be it further enacted by the authority aforesaid, That the courts of law and equity are hereby declared in all causes and questions cognizable by them respecting the said treaty to judge accordingly. (Passed Dec. 22, 1787.)

CHAPTER II.

An Act for Levying a tax for the support of Government, and for the redemption of the Old Paper Currency, Continetal Money, and Specie and other Certificates.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That for the year 1788, a tax of three shillings on every hundred acres of land, and a tax of nine shillings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this State, shall be levied and paid in State currency, or in gold or silver at the rates established by law: Provided, That all the lands west of the Apalachian Mountains shall pay a tax of two shillings on every hundred acres of land, and a tax in continental or state dollar bills, or soldiers bounty or specie certificates, in proportion for every hundred acres of land aforesaid.

II. And be it enacted by the authority aforesaid, That for the said year 1788, a tax of three shillings on every hundred acres of land, and a tax of nine shillings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this state, shall be levied and paid in continental or state dollar bills or soldiers bounty certificates at the rate of 800 for one, in specie certificates of every kind at their nominal value, with the interest thereon (such as have been issued by the Board of Commissioners for settling army accounts since the first day of January, 1786, excepted) in currency certificates as rated by the act for the sale of confiscated property, or in final settlement certificates at their nominal value including the interest thereon.

III. And be it further enacted by the authority aforesaid, That the above mentioned tax shall be collected, paid and accounted for as directed by an

Act, entitled "An Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same and collecting the public taxes;" and also one act, entitled "An Act for the more regular collecting, payment of and accounting for the public taxes."

IV. And be it further enacted, That no person living west of the Cumberland Mountain shall be subject to pay a poll-tax for the year 1788 on a free poll.

V. And it is hereby further enacted and declared, That the sinking fund tax directed to be collected by an Act, entitled "An Act for emitting £100,000 paper currency for the purposes therein expressed," passed at New Bern in December, 1785, shall be collected in money agreeable to the true intent and meaning of the said Act in the manner before directed.

And whereas doubts have or may arise respecting the collection of the continetal tax directed to be collected for the year 1785:

VI. Be it enacted by the authority aforesaid, That in every county in this State where the said tax hath never been collected for any one year, th collectors of such county shall, and they are hereby directed to collect the same for the ensuing year in currency, in the manner directed for the collection of other taxes; and it is hereby expressly declared, That the said continental tax was not to be collected for more than one year in any county in this State; anything in any law to the contrary notwithstanding.

And whereas there are large bodies of land in different parts of this State granted to citizens of other States, and the laws heretofore in force have been found insufficient to compel such persons to pay a tax for the same, by which means many persons are exonerated from the payment of the said tax, and the state deprived of a part of its revenue; for remedy whereof,

VII. Be it further enacted by the authority aforesaid, That any person or persons who shall or may hold lands in this State, whose actual residence is in any other State, and do not by himself, his agent or attorney, make a lawful return of all such lands, and pay a tax for the same in the respective counties where said lands are situated, then and in that case the Sheriff of such county where such lands are not returned, is authorized and hereby required to levy on said lands, and sell as much thereof as will be sufficient to raise the amount of the taxes, under the same rules and restrictions as distresses are made in other cases. (Passed December 22, 1787.)

CHAPTER III.

An Act to Regulate the Inspection of Tobacco in this State.

Whereas by the laws now in force in this State for the inspection of tobacco, frauds may be committed; For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the inspectors that are or shall hereafter be appointed to inspect tobacco at the several inspections within this State, shall and may take and receive for inspecting each hogshead of tobacco and issuing a note, the sum of four shillings, and for each hundred weight of transfer tobacco by them inspected, the sum of sixpence, and so in proportion for a smaller quantity, and no more; and the turners up of tobacco as hereafter to be appointed may take and receive the sum of three shillings for each hogshead he or they shall turn up and cooper, and no more.

II. And be it further Enacted, That any number of persons not exceeding ten, shall be appointed by the court of the county where such inspection may

be, to turn up and cooper tobacco, and they shall hold their appointments during good behaviour.

III. And be it also Enacted, That the inspectors at each and every inspection shall be a judge of the behaviour of the said turners up, and if they in their opinion, find the said turner or turners up deficient in his or their duty, the said inspectors shall and they are hereby required to report the said turner or turners up so misbehaving, to the court of the county in which they are appointed; and if he or they shall be found guilty of the charges alledged by the said inspectors, in that case the court is hereby directed and required to remove such person or persons from the said appointment, and appoint another or others in his or their stead: Provided, That any person bringing tobacco to any of the said inspections, such person is hereby entitled either by himself or otherwise, to turn up, pick, prize and cooper his or their own tobacco, and to have free access to any of the prizes erected by the county where such inspection is, for the purpose of prizing the same: And if any dispute should arise between the parties bringing tobacco to any of the said warehouses, the right of preference to the said prizes shall be determined by the inspectors.

IV. And be it further Enacted by the authority aforesaid, That if any of the inspectors at the several inspections in this State, shall take and receive any greater fees than are by this Act allowed, he or they so offending, shall upon conviction thereof forfeit and pay the sum of five pounds for each and every offence, to be recovered before any jurisdiction having cognizance thereof, by any person suing for the same, to the use of the prosecutor.

V. And be it further Enacted by the authority aforesaid, That after the passing of this Act, the several inspectors heretofore or hereafter to be appointed, shall and they are hereby directed to pass all tobacco, which they shall find to be in sound good condition, and shall make the following distinctions in the tobacco so by them inspected and passed, that is to say, a first, second and third quality, which they shall certify in every note by them issued, and cause to be properly branded on the hogshead, and inserted or certified in the shipping manifest.

VI. And be it further Enacted by the authority aforesaid, That the court of each county where a public inspection of tobacco is established, shall at their first court after the passing of this Act, appoint two persons skilled in tobacco, to be pickers, who shall be entitled to the following fees for their services, viz. for each and every hundred weight of tobacco by them picked and prized one fifteenth part, and shall take the following oath or affirmation: "I, A. B. do swear (or affirm as the case may be) that I will faithfully pick all tobacco which may be put in my possession for that purpose, without fraud or damage to the owner. So help me God." And each of the said courts shall and may appoint one of the pickers to act in the room of either of the inspectors, at any time when such inspector may be incapable of attending, who shall take the oath in manner prescribed for inspectors, and such picker may be called on to give a casting voice should the inspectors disagree in the inspection of any tobacco; and the said picker when attending in lieu of either of the inspectors, may receive the allowance of the said inspector for each hogshead of tobacco he shall inspect; provided, that the picker by whose voice any tobacco shall be condemned shall not be allowed to have the picking thereof, and that when the picker is so appointed by the court, he shall be invested with the power of inspector, in case of inability of either of the inspectors so appointed, until the next county court, or until the inspector can be present. Provided nevertheless, That upon complaint made to any of the said courts, against either of the

said pickers, the court where such complaint is lodged shall and is hereby directed to enquire into the nature of the complaint, and if it shall appear that the picker or pickers, against whom such complaint hath been lodged, has been guilty of any misbehaviour in the execution of his duty, such court shall remove him or them from said appointment, and appoint another or others in his or their stead.

VII. And be it further Enacted by the authority aforesaid, That all laws heretofore made that come within the purview and meaning of this Act, are hereby declared to be made void. (Passed December 22, 1787.)

CHAPTER IV.

An Act for Revising and Collecting the Acts of the General Assembly of the State of North Carolina.

Whereas it is necessary that the Acts of the General Assembly now in force in this State be revised and collected:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That James Iredell be, and he is hereby appointed a commissioner to revise and compile the Acts of the General Assemblies of the late province and present State of North Carolina, and to insert the charter from the crown of Great Britain, the Lords Proprietors great grant and the constitution of this State, together with the treaty of peace between Great Britain and the United States of America, and the confederation of the United States existing at the time such revisal shall be published; and further the said commissioner is hereby authorised and directed in revising and collecting said Acts, to leave out all laws repealed or obselete, all private Acts and all Acts on which no question of property can arise; and further the said commissioner is hereby required to see the said Acts printed in the same order and in the same words in which they now stand, with marginal notes of the contents of each section, a marginal reference and a copious general index with reference to each Act and the contents of each section.

II. And be it further Enacted by the authority aforesaid, That the said commissioner be, and he is hereby authorised to agree and contract with a printer or printers to print and publish the said revisal, and furnish one copy to each county court within this State, two copies for the use of the General Assembly, and one to each superior court on account of the public; and such printer or printers shall be entitled to an exclusive right to print and sell the copies of such revisal for the space of seven years.

And in order to enable such printer or printers to undertake and complete the said work:

III. Be it further Enacted by the authority aforesaid, That the sum of five hundred pounds shall be advanced to him or them on loan, payable in three years from the receipt thereof, he or they first giving bond with sufficient security, payable to the Governor or his successors in office, for the faithful performance of the said agreement, and the payment of the said money as aforesaid, which bond shall be taken by the commissioner and lodged in the secretary's office, and the Governor is hereby directed and required to issue a warrant or warrants in favour of the said commissioner for the purposes aforesaid.

IV. And be it further Enacted by the authority aforesaid, That when such commissioner shall lay before the General Assembly a statement of his labour and expences in forming the said revisal or compilation, and in

attending and correcting the press during the printing and publishing the same, such General Assembly shall allow him a full and ample compensation for such services and expenditures.

CHAPTER V.

An Act to Amend an Act, Entitled "An Act to Remove all Disabilities From Simon Cleary and Others Therein Named."

Whereas it hath been represented to this General Asembly, that the Act, entitled "An Act to remove all disabilities from Simon Cleary and others therein named," hath occasioned doubts as to the legal construction thereof, whereby the persons whom the Legislature meant to relieve, cannot, from the construction of the courts of law, obtain the benefits which were intended by the said Act, without a farther provision for that purpose: And whereas the benefits intended to the said Simon Cleary and the other persons named in the said Act were extended to them on the principal of their inability to come into this State within the time limited by the Act passed in November, 1784, commonly called the confiscation Act; and an additional testimonial having been exhibited to this General Assembly, under the seal of the city of Limerick, in the kingdom of Ireland, that the said Simon Cleary was not within the time aforesaid, or at any time since, able to travel to America without endangering his life, it is just and reasonable that a further provision be made for his life, as he appears to have been disabled from a personal claim by the act of God: And whereas by the resolves of the General Assembly in their said session of November 1784, whereby a compensation was given to Patrick Cleary for part of the personal estate of his late brother, the said Timothy, it was agreed, and afterwards Enacted, that the said Simon Cleary was entitled to further relief, and should be enabled to sue for and recover the real estate, part of which it was suggested had been illegally sold and if so sold, might be recovered without any further charge to the public.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and immediately after the passing of this Act, the said Patrick Cleary shall be and become ipso facto seized and possessed of and entitled to all the estate, real and personal, lands, tenements, goods, chattels, rights and choses, in action of whatever kind which were of the said Timothy Cleary otherwise Clear at the time of his death, and which have at any time since been confiscated or forfeited, or said or supposed to have been confiscated or forfeited to the use of this State by any law thereof, to be held by him the said Patrick, his heirs, executors, administrators and assigns respectively, in trust to be received, possessed, sold and disposed of to and for the use and benefit of the said Simon Cleary and the other persons named in the said Act respectively, and their respective representatives; excepting and reserving nevertheless out of this present Act, such part of the personal estate of the said Timothy as was by law allotted for his widow; and provided also, That before this present Act shall have operation, the said Patrick Cleary shall take the oath of allegiance of this State prescribed to be taken by the citizens thereof, before any judge of the superior court or any justice of the peace, which oath such judge or justice is hereby directed and required, upon application made to him for that purpose, to administer and to grant to the said Patrick Cleary a certificate thereof.

II. And be it further Enacted, That it shall be lawful for the said Patrick Cleary, after taking such oath of allegiance, to commence and prosecute in his own name all and every such suit and suits, action and actions in law and equity, as may be needful or necessary for the recovery of the whole or any part of the said estate of which he shall become seized and possessed, or to which he shall be entitled by virtue of this Act, and such suit or suits shall be sustained and judgment and execution awarded thereon in the same manner as for suits brought by the citizens, any plea of the disability of the said Patrick Cleary, or of any other person, or any law, custom, usage, matter or thing to the contrary notwithstanding.

And whereas it is represented that there are several suits in ejectment now depending in the superior court of New Bern in the names of several plaintiffs as lessees of the said Simon Cleary, for different parcels of the real estate of the said Timothy:

III. Be it therefore Enacted, That it shall and may be lawful for the said Patrick Cleary upon motion of the said superior court, and notice to the attornies of the several defendants, (which motion the judges of the said court are hereby required to grant) to insert his name in the several declarations as lessor of the respective plaintiffs, instead of the name of the said Simon Cleary, in the same manner as if the said Simon was actually dead and the title of the premises descended to the said Patrick, and the said suits shall be proceeded on to judgment and execution, and the same recovery had as if they had been severally commenced and instituted subsequent to the passing of this Act, any law or usage to the contrary notwithstanding.

CHAPTER VI.

An Act to Prevent Thefts and Robberies by Slaves, Free Negroes and Mulattoes.

Whereas it is represented that slaves and free negroes are encouraged to rob or steal from the inhabitants all kinds of produce, by the facility with which they may conceal and dispose of such produce to the masters of trading vessels in the several bays, harbours, creeks and rivers within this State:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, it shall not be permitted for the master or commander of any vessel to entertain any slave, negro or mulatto on board such vessel at any time between sun-set and sun-rise, nor during the Sabbath day, unless such slave, negro or mulatto as shall belong to the vessel, or shall have a pass from his, her or their master or mistress, or from some justice of the peace, expressing the time when and the business for which they go on board: And if any slave, negro or mulatto who has not such pass, or is not statedly employed on board the vessel as one of the hands, shall be found on board any vessel in any bay, harbour, creek or river within this State, on the Sabbath day, or in the night between sun-set and sun-rise, he shall be presumed to have been disposing of stolen goods; and the master or commander of such vessel on complaint and conviction before any two justices of the peace, shall be subject to a fine for entertainment of such slave, negro or mulatto of five pounds for the first offence, and ten pounds for every succeeding offence, to be applied to the use of the poor of the county in which such conviction shall be had: But

any person dissatisfied with the judgment of the said two justices, shall have the right of appealing to the court of the county, the determination whereof shall be final; the person appealing to be subject to the same regulations as in the cases of other persons appealing from the judgment of a justice.

And whereas the property of many of the citizens of this State may be greatly affected by permitting a private intercourse between slaves and free negroes and mulattoes:

II. Be it Enacted by the authority aforesaid, That if any free negro or mulatto shall entertain any slave in his or her house during the Sabbath, or in the night between sun-set and sun-rise, he or she shall for entertaining such slave be subject to a fine of twenty shillings for the first offence, and forty shillings for every subsequent offence, to be recovered on conviction before any one justice of the peace, and applied to the use of the poor of the county in which the offence shall be committed, saving to the party the same right of appealing as aforesaid. And in case the said free negro or mulatto shall not be able to pay the fine aforesaid, the constable who shall have attended at such conviction shall hire out said free negro or mulatto to the person who shall take him or her for the shortest space of time in payment of the said fine with costs, the said constable having previously advertised at least ten days at the door of the court house and other public places of the said county, that such negro or mulatto would be hired out for the purpose aforesaid; and the person who shall hire such free negro or mulatto, shall be bound to pay at the time and place of such hiring the amount of the fine with costs as aforesaid.

III. And be it further Enacted by the authority aforesaid, That in case any free negro or mulatto shall from and after the passing this Act, intermarry or cohabit with any slave, without the consent of his or her master had in writing, and attested by two justices of the peace, such free negro or mulatto shall be liable and held to pay to the master or mistress of such slave the sum of ten pounds; and on failing to pay such sum, shall be held to service to the master or mistress of sucn slave for and during the term of one year.

CHAPTER VII.

An Act to Amend an Act, Entitled, "An Act to Bring to Condign Punishment and to Secure Their Estates so as to Be Answerable to the Public, the Persons Therein Described, Accused of Certain Crimes and Fraudulent Practices, and to Indemnify Such Persons as Have Acted in Pursuance to Certain Resolutions of This Assembly From Vexatious Suits and Prosecutions, and to Establish a Board for the Detection and Further Discovery of the said Fraudulent Practices, and for Settling and Liquidating the Accounts of the Officers and Soldiers of the Continental Line," to Give the Public a Further Security, and to Relieve the Creditors of Persons Who Have Been Presented in Consequence of the Said Act.

Whereas by the fifth section of the said Act it is required and Enacted that the persons presented or indicted at a court of oyer and terminer held under the said Act, should enter into bond with good and sufficient sureties before the judge or judges of the said court in double the amount of the due-bills drawn by such persons respectively out of the office of the commissioners of army accounts, that they will not transport their property out of this State, or leave this State for twelve months and till the end of the next

General Assembly, and by the tenth section of said Act it is Enacted, that such persons are and shall be held and deemed incapable in law of alienating and disposing of any of their estates real or personal in any manner whatever until the end of this present General Assembly: And whereas the innocent creditor of such persons have been injured by such disability: Wherefore,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That each and every of the said persons so presented or indicted as aforesaid, shall enter into bond with good and sufficient sureties before the comptroller of the State in the full amount of due bills and certificates, together with the interest drawn for themselves or received in the names of others by such persons respectively out of the late office of the commissioners of army accounts, erected under an Act passed at New Bern in the year one thousand seven hundred and eighty-five, entitled "An Act to empower commissioners to liquidate the accounts of the officers and soldiers of the continental line of this State, and to revive the late boards of auditors for a limited time," such bonds to be conditioned that they will well and truly pay to the Governor for the time being, or his successor in office, for the use of the State, such sum or sums of money as may appear hereafter to have been illegally or fraudulently drawn by them out of the treasury of this State in consequence of the said due bills, and also the amount of the certificates by them fraudulently drawn from the commissioners of army accounts as aforesaid.

II. And be it further Enacted by the authority aforesaid, That if such person or persons as aforesaid, shall not on or before the first day of March next enter into bond as aforesaid, before the comptroller of the State as aforesaid, then and in that case they shall be held and deemed liable to the pains and penalties, forfeitures and disabilities described and Enacted in the fifth, seventh, eighth, ninth and tenth sections of the said Act passed at Fayetteville as aforesaid, which said sections of said Acts are hereby continued and declared to be and remain in full force and efficacy against all and every of the said persons who shall or may refuse or neglect to take the benefit of this Act. Provided nevertheless, That such of the said persons as are now in confinement, or should remain in such situation, may enter into bond as aforesaid before three justices of the peace, to be summoned for that purpose by the sheriff of the county wherein such person may be confined, which bond the said justices shall transmit to the comptroller's office within three months, under the penalty of five hundred pounds, to be sued and recovered in the name of the Governor, for the use of the State.

CHAPTER VIII.

An Act to Direct the Application of Such Public Tobacco as Already Is or Hereafter May Be Purchased by the Commissioners for That Purpose Appointed by the Last General Assembly.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall be the duty of the commissioners appointed for purchasing tobacco for the use of this State, to make quarterly returns of the quantity and quality, with the names of the persons of whom purchased, with the net weight and price by them given for every hundred weight so by them purchased, to the Governor for the time being, who together with the council of State shall

take order from time to time and as early as may be for the disposal of such tobacco for the highest price that can be had for the same, so that the proceeds of such sales shall be subject to the order of the board of treasury of the United States, and shall be carried to the credit of this State in account with the United States, in discharge of so much of the interest of the foreign debt due by the United States, for which this State is or may be liable.

II. And be it further Enacted, That the second and third sections of an Act of the last General Assembly, entitled "An Act to amend an Act, entitled "An Act for emitting one hundred thousand pounds paper currency for the purpose therein mentioned, for appropriating the tobacco lately purchased by virtue of said Act towards discharging the interest of the foreign debt due by the United States, and for making provision for the future discharge of the principal and interest of the said debt," shall be revived and govern the purchasers for one year longer. Provided nevertheless, The commissioners shall not be at liberty to purchase any tobacco but such as shall be of the first and second class or quality.

III. And be it further Enacted, That all contracts for tobacco made and entered into before the passing of this Act, shall be held and deemed to be one half of the first quality and the other half of the second quality, and all verdicts and judgments shall be given accordingly.

CHAPTER IX.

An Act Directing the Duty of Naval Officers, and of all Masters of Vessels Coming Into Any of the Ports or Inlets of this State.

Whereas the laws now in force respecting the duty of naval officers and masters of vessels are much confused and blended with the collector's duty, and in many instances insufficient to prevent frauds, and to answer the good purposes thereby intended.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, all laws heretofore made so far as they respect or apply to the fees or duties of naval officers, shall be and are hereby declared to be repealed and made void; and the naval officers respectively already appointed, and those who shall hereafter be appointed, shall before entering on the duties of their office take before the court of their county, or before some justice of the peace for such county, the following oath: "I, A. B. do solemnly swear, that I will without favour, prejudice or partiality well and truly execute the duty of naval officer for the port of ————, according to law, and that I will not during my continuance in said office, be concerned directly or indirectly in exporting or importing any goods, wares and merchandize which by the laws of this State are or may be subject or liable to any duty or impost, unless for my own particular use and consumption, and not exceeding the value of one hundred pounds sterling in any one year. So help me God." And shall also enter into bond with sufficient security, to be approved of by the court, in the sum of five thousand pounds, payable to the Governor or commander in chief for the time being, with condition that he shall well and faithfully do and perform the duties of naval officer for the port of ————, according to law; which bond and a certificate of which oath shall be lodged in the secretary's office within three months next after the same shall be taken and executed, under the penalty of five hundred pounds currency, to be recovered in any court having

cognizanc thereof, and applied one half to the use of the State and the other half to the person who shall sue for the same: Provided, That those naval officers now in office who have actually taken the oath and given bond, which bonds are now in full force, and have lodged the same in the secretary's office agreeable to law, shall not be compelled to take any further oath or give any further bond under the direction of this Act; and if any naval officer shall be convicted of being concerned or interested in any kind of trade or commerce contrary to the true intent and meaning of this Act and of the oath aforesaid, he shall be thereafter incapable to hold his said office, and another person shall be appointed in his stead.

II. And be it further Enacted by the authority aforesaid, That in case of a vacancy of a naval officer in any port in this State, it shall be lawful for the commander in chief to fill up such vacancy by a temporary appointment, until the meeting of the next General Assembly, and the person so appointed shall be subject to all the duties, fines and forfeitures imposed by this Act on naval officers already appointed, and shall be entitled to the like allowances and fees agreeable to law.

III. And be it further Enacted by the authority aforesaid, That from and after the first day of April next (until which time the present lawful fees may be taken), the naval officers in the respective ports in this State shall and may take and receive for their services the following fees and allowances, and no more, that is to say, For entering and clearing every decked vessel under twenty tons, all necessary services included, the sum of sixteen shillings currency; for entering and clearing vessels of twenty and under sixty tons, all necessary services included, the sum of thirty shillings; for entering and clearing vessels of sixty tons and upwards, all necessary services included, the sum of forty shillings; for issuing a register, taking the probate and registering the same, fifteen shillings; for an endorsement on a register on the change of a master and registering such endorsement, five shillings; for a permit to go from one port to another port within the State, five shillings; and when a vessel shall enter into any one port and take a permit to a different port within the State, then only half the fees shall be paid at the port of entry and the other half at the port of clearance; and every naval officer shall if required give a receipt for all sums received as fees, and shall also set up and cause the same to be constantly kept up in some public place in his office, a plain and fair copy of the fees allowed by law, one in the English, one in the French, and one in the Dutch language, for the information and satisfaction of owners and masters of vessels, under the penalty of fifty pounds for each and every month the same shall be neglected, to be recovered by any person who shall sue for the same; and when a vessel shall enter with any naval officer and afterwards take a permit to a different port in this State, then only half the fees shall be charged at the port of entry and the other half at the port of clearance, and if any naval officer shall directly or indirectly demand, extort, exact or receive under colour of his office or otherwise, any other or larger fees than what is allowed by this Act; or shall refuse to do the particular service or services incident to his office for the fee or fees hereby limited, or shall refuse or delay without cause, or upon feigned pretences to do the particular duties of his office when thereto required, or shall connive at false entry, every such naval officer shall forfeit and pay the sum of two hundred pounds, to be recovered at the suit of the person or persons injured, or in case of conniving at a false entry, at the suit of the attorney general for the State by action of debt, in any court having cognizance thereof, and upon con-

viction of such action or by indictment, shall be removed from his office and another appointed in his stead, as in cases of death or resignation.

IV. And be it Enacted by the authority aforesaid, That no naval officer shall clear out any vessel unless an account or manifest of the cargo shall be rendered, and a certificate produced from the collector or his deputy, that the tonnage duty and the duties on the cargo imported, if any there be, are paid or secured to be paid agreeable to law; and in case any naval officer shall grant a clearance for any vessel to leave this State contrary to the true intent and meaning of this Act, or any Act hereafter to be made, such officer shall forfeit and pay for each and every offence the sum of two hundred pounds currency to the use of the State; and every naval officer shall enter in books to be kept for that purpose, fair entries of the cargoes cleared for exportation and fair entries of the cargoes imported, also the time when, the master's name, the name and burthen of the vessel, where from, or to what place bound, as the case may be, and shall return once in each six months to the comptroller's office, fair copies of such entries, together with the collector's certificate for the duties by him received as the law directs, under the penalty of one hundred pounds for each neglect.

V. And be it further Enacted by the authority aforesaid, That all fines and forfeitures recovered from naval officers under this Act unless otherwise directed, shall be applied one half to the person suing for the same and the other half to the use of the State, to be accounted for by the clerk of the court where the recovery may be had; provided no naval officer shall be sued or prosecuted for any offence in office unless the suit shall be commenced in the district where such naval officer resides, and within twelve months next after the offence shall have been committed; and provided also, That nothing in this Act shall be construed as to make void the appointments of any of the naval officers now in office.

VI. And be it Enacted by the authority aforesaid, That every master or owner of a vessel coming into any port or inlet in this State with such vessel, shall previous to breaking bulk or landing any part of his cargo and within twenty-four hours after his arrival as aforesaid, make entry of his vessel and cargo with the naval officer or his deputy, agreeable to law, and shall deliver into the office, there to remain until his departure, the register and other necessary papers which belong to his said vessel, with a manifest or account of the cargo imported in such vessel, and from whence, under the penalty of one hundred pounds currency, to be recovered and applied as the fines from naval officers, under the direction of this Act; and the master or owner of every vessel previous to his obtaining a clearance to leave this State, shall take before the naval officer or his deputy the following oath or affirmation, to wit, "I, A. B. do solemnly swear or affirm, that such of the cargo as is or may be shipped on board my vessel for exportation, which by law is required to be inspected and branded, is or shall be inspected and branded accordingly previous to my leaving the State, and that I will not suffer to be carried out of this State any servant or slave without lawful authority or leave the owner, nor will I suffer to be carried in my vessel out of this State any inhabitant thereof privately or contrary to law, to the best of my knowledge. So help me God." And shall also give to the naval officer an account or manifest of the cargo to be exported, and to what place, together with the collector's certificate that the tonnage duty and the duties on the cargo imported if any are paid or secured to be paid agreeable to law; and every owner or master of any vessel who shall leave the State without a clearance, or refuse or neglect in due time to comply with the directions of this Act, every person shall forfeit and pay

the sum of one hundred pounds currency, to be recovered and applied as aforesaid; and in case any naval officer shall grant a clearance for any vessel to leave this State until the owner or master hath complied with the directions of this Act, every such naval officer shall forfeit and pay for each and every offence or neglect the sum of one hundred pounds currency as aforesaid.

And whereas masters, owners and others having the command or directions of vessels do often come into the ports, inlets, rivers and creeks in this State with their vessels, and trade with the inhabitants, without making entry with the naval officer and collector as the law directs, and by such practices carry off the produce of this State uninspected, and may also carry off servants and slaves without the owners consent and without taking the oaths directed by law, which practices are injurious to individuals and to the public funds, and the credit of this State: For remedy whereof,

VII. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, if any person having the command, care or direction of any vessel coming from any other State or foreign port, shall bring his said vessel into any port, inlet, sound, river, harbour or creek, (unless forced in by stress of weather or other unavoidable accident, in which case report shall be made by the commander of the vessel to the naval officer, and obtain from him a permit for his continuance until his vessel shall be in condition to depart) in this State, and shall not in due time enter such vessel with the proper naval officer and collector, or shall sell or dispose of any part of the cargo of such vessel before entry made as aforesaid, unavoidable accidents and circumstances always excepted, every such person so having the command, care, or direction of such vessel shall forfeit and pay the sum of fifty pounds currency, to be recovered and applied as hereinafter directed; and every such vessel not being entered with the collector and naval officer as aforesaid, shall be absolutely and altogether forfeited to the State.

VIII. And be it further Enacted by the authority aforesaid, That the naval officer and the collector of the port and the sheriff of any county where any such forfeiture shall happen, are hereby empowered separately or otherwise, to seize and take into possession such vessel, her tackle and furniture, and for trial and condemnation thereof, shall by petition or otherwise have a fair and open trial by jury in any court of admiralty or maratime court in the district or port where the seizure shall be made, and on final condemnation the judge shall decree and order the sale of such vessel, and after deducting the whole amount of the costs of the suits which is to be first paid, the remaining net amount of the sales shall be applied one-half to the sheriff of the county by him to be accounted for to the public treasurer, and the other half to him or them who may seize and prosecute the suit with effect; any law to the contrary notwithstanding.

CHAPTER X.

An Act for Fixing the Final Settlement of Unliquidated Claims Against This State and Against the United States Within This State.

Whereas it is necessary in order to prevent frauds in the liquidation of claims against this State, that the mode of settling the same should be uniform:

I. Be it therefore Enacted by the General Assembly of the State of

North Carolina, and it is hereby Enacted by the authority of the same, That all persons having unliquidated claims against the State pertaining to the late commissary, quarter-master, clothier, marine or hospital departments, or other unliquidated claims of whatever nature, shall exhibit such claims to the comptroller for settlement within twelve months from the date hereof; and all accounts not exhibited as aforesaid, shall be precluded from settlement or allowance.

II. Be it Enacted by the authority aforesaid, That the comptroller is hereby authorised to receive the said accounts, and to pass upon all such as are authorised by the resolves of Congress or by the Acts or resolves of this State, and supported by proper vouchers, so far as it respects the evidence in support of the said claims, and to receive such as are not thus warranted or supported, with such remarks as may explain the nature of these accounts, and the reasons offered for the deficiency of vouchers, and report the same in alphabetical order to the General Assembly and to the commissioner appointed to settle the accounts between the United States and this State, to be adjusted according to the provision in the ordinance of Congress for allowing such advances or disbursements as may have been made by the citizens for the use of the union, although the same be not sanctioned by the resolves of Congress or supported by proper vouchers.

III. And be it further Enacted, That all claims in future shall be exhibited to the comptroller, and all persons making or demanding the same, shall take and subscribe the following oath or affirmation: "I, A. B. do swear or affirm, as the case may be, that the claim by me now exhibited is justly due, that it has not been rejected heretofore by any of the auditors of this State, or by the comptroller, or any committee of the General Assembly, and neither by myself or any other person have I received satisfaction for the same or any part thereof"; which oath or affirmation shall be endorsed thereon, or annexed thereto; and the comptroller, or some justice of the peace of the county wherein he may reside, is hereby empowered to administer such oath or affirmation: And the comptroller on receiving such claim and certificate, shall examine whether it is covered by any resolution of the Congress, or any resolve or Act of the General Assembly, and reject or allow the same according to the right of demand founded on any such resolution or Act, and shall enter all such as are well founded in a book or books to be kept for that purpose, under an account to be raised between the State and said claimant, and shall file those rejected according to the county and date in his office; and further said comptroller shall at the succeeding General Assembly lay before them a transcript of all allowances by him made, with the vouchers, that the Assembly may take order thereon.

IV. And be it further Enacted, That no claim, draft or warrant from the Governor or any one else, except the certificates for the service of the members of the General Assembly and their clerks and waiters, and the certificates of the clerks of the superior courts for the salaries of the judges and the attorney-general, shall be paid by the treasurer, collector or other receiver of the public revenue or taxes, until such claim, draught or warrant shall have been entered in the comptroller's office and charged to the person or persons drawing the same, with the comptroller's order endorsed to the treasurer or other receiver of the public revenue to pay the same, and no claim, warrant or draft (except as before excepted) shall be allowed in the settlement of the account of any treasurer, collector or receiver of the public revenue or taxes, but under the foregoing rules and regulations; any law to the contrary notwithstanding.

CHAPTER XI.

An Act for Hiring Out Persons Convicted on Indictment or Presentment, Not Being Able or Willing to Pay the Fees of Office and Gaolers Fees.

Whereas many persons convicted on indictment take the benefit of the insolvent Act, either neglecting or refusing to pay fees of office and sheriffs and gaolers fees, to the great injury of the citizens of this State: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all and every person who shall be found guilty of any charge exhibited against him or them by indictment or presentment, and shall be unwilling or unable to pay the office and gaolers fees that are or may be consequent thereon, shall be hired out by the sheriff of the county where such person is or may be convicted, for such time as any person will take him or them to serve for the said fees and charges, the said sheriff first advertising the time and place of hiring at least ten days previous thereto.

CHAPTER XII.

An Act for the More Regular Collecting and Accounting for the Revenue of This State, for Allowing the Public Treasurer a Clerk, and for the Collection of Arrearages, and to Repeal the Twelfth Section of an Act Therein Mentioned.

Whereas it is advisable that the public accounts of this State should in future be kept after a manner different from the mode heretofore pointed out by law:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That for the year one thousand seven hundred and eighty-eight, and each succeeding year, all sheriffs and other receivers of public monies, shall settle their respective accounts or cause them to be settled with the comptroller of this State, the whole of which settlements except those herein after excepted shall be made in the months of July, August or September, in each and every year; and it shall be the duty of the comptroller on forming any such settlement, forthwith to report the sums or amount due from such accountant to the treasurer of the State, setting forth in such report (if a sheriff's account) the net amount of each species of public tax; and the treasurer shall raise an account against each and every of such persons and debit them accordingly; and in case any such person shall fail to appear, fully pay up and finally settle for the sums so reported against him or them on or before the first day of October in each year, it shall then be the indispensible duty of the treasurer, and he is hereby required to take judgment without delay for the several sums or balances due the State agreeable to such reports, to which sum in case the delinquent be a sheriff shall be added his commissions, which shall be considered as absolutely forfeited to the State; and it is hereby declared that in all cases of the delinquency of sheriffs, clerks of courts, collectors of imposts, entry-takers, registers, vendue-masters, and others accountable for public monies, the comptroller's report shall be held and deemed sufficient testimony for the court and jury to found their verdict on.

II. And be it further Enacted, That it shall be the duty of each and every of the clerks of the county courts in this State, to make or cause to be made,

return of the taxable property of their counties respectively to the comptroller on or before the first day of December in every year, in which return shall be expressed each particular species of taxable property in words written at full length, and every of the said clerks shall at the time of making such return (to wit) in the month of December annually also make return of and settle his accounts of fines and tax fees, and shall obtain a copy of the same signed by the comptroller in his own proper handwriting, which he shall post up in his court house in manner as is directed by an Act of the General Assembly, entitled "An Act to amend an Act passed at New Bern in December, one thousand seven hundred and eighty-five, entitled An Act for encreasing the jurisdiction of the county courts of pleas and quarter sessions, and of the justices of the peace out of court, and directing the time of holding courts in this State;" of all which settlements the comptroller shall without delay make report to the treasurer as in other cases, who shall take judgment in case of non-payment accordingly.

III. And be it also Enacted, That it shall further be the duty of the clerks at the time of making such returns and settlements, to furnish the comptroller with a certificate of the names of his securities, and also with a certificate of the name of the sheriff of his county and his securities, the name of the entry-taker and his securities, the name of the register and his securities, which certificates when certified by the comptroller to be agreeable to the originals, shall on motion of the treasurer for judgment against any such persons be deemed equally valid in law with the bond of such clerk, sheriff, entry-taker or register, and the court shall give judgment and award execution thereon accordingly.

IV. And be it further Enacted, That in case any of the Clerks of the courts of this State shall fail or neglect to do and perform any of the duties hereby enjoined them, he or they so failing or neglecting, shall forfeit and pay one hundred pounds current money to the use of the State; and it shall be the duty of the comptroller to certify every such failure to the treasurer, who shall on motion in any court of record in this State be entitled to a judgment for the above mentioned penalty with costs; which judgment shall be founded on such certificate or report, and it is hereby expressly declared to be the treasurer's duty to have the same entered up accordingly.

V. And it is also further Enacted, That the clerks of the several superior courts in this State shall be subject to and bound by this Act in every respect so far as the same will apply to them, and in case of neglect of duty shall be subject to the like penalty as other clerks of courts, and all taxes on suits both in the superior and county courts, shall be recovered, levied and accounted for agreeable to an Act passed at New Bern in the year one thousand seven hundred and eighty-four, entitled, "An Act for raising a public revenue for the support of government, and to repeal an Act, entitled An Act to suppress excessive gaming;" and all clerks shall make their returns and accounts for the monies in their hands agreeable to the said Act, where it shall not be otherwise provided for by this Act, and every entry-taker, register or vendue-master, failing to settle his accounts agreeable to the true intent and meaning of this Act, shall also forfeit the sum of one hundred pounds, to be recovered in like manner as aforesaid.

VI. And be it further Enacted by the authority aforesaid, That it shall be the duty of the comptroller to raise an account against and debit the public treasurer with the net amount of each account so by him to be settled and reported as aforesaid, and in the same to credit him by and agreeable to such settlements as he shall hereafter make; and the said comptroller is hereby directed to balance and finally do away such accounts as he may

already have raised against the public treasurer since the first day of January last.

And whereas the many duties enjoined the public treasurer renders it absolutely necessary that he should be furnished with a clerk.

VII. Be it further Enacted, That for the year one thousand seven hundred and eighty-eight and each succeeding year, the treasurer of this State be allowed one clerk, whose salary shall be one hundred and fifty pounds, to be paid him out of the public treasury in half yearly payments on warrants to be drawn by the Governor.

And in order to enable the public treasurer the more effectually to collect and recover such arrears or other monies as may now be due the State:

VIII. Be it further Enacted by the authority aforesaid, That it shall be the duty of the treasurer of this State to attend by himself or his clerk at certain times in the ensuing year (and as often afterwards as he shall deem it necessary) in each of the districts within the State, which time shall be during the sitting of the superior court of such district, in order to collect and receive from the inhabitants thereof the arrears or other monies by them or any of them due the public; and the said treasurer is hereby declared to have power by himself, his clerks or his attorneys to summon or cause to be summoned any inhabitants of this State whom he may suspect as having public monies in his hands as garnishee, to appear before any court of record in their county or district, and declare on oath whether they have in their hands public monies, or any of the property of any absconding sheriff or their securities, and to what amount; and every person so summoned who shall fail to appear and declare on oath accordingly, shall forfeit the sum of fifty pounds to the use of the State, and shall be further liable to be proceeded against in the same manner as garnishees are in cases of attachments, such garnishee being duly served with a Scire Facias from the said court before final judgment shall be entered up against him; and the said treasurer as a reimbursement for his expenditures and trouble in this behalf shall be allowed a commission of ten per cent. on all monies so by him to be recovered and paid into the public treasury. Provided, That bonds given for the purchase of confiscated property sold by any commissioner of this State, and arrears due by sheriffs and others on accounts which have had their origin since the first day of January, one thousand seven hundred and eighty-four, shall not be considered as coming within the meaning of this Act, but all other dues or monies of what kind or nature soever, which were payable previous to the said first day of January, one thousand seven hundred and eighty-four, shall be so considered.

IX. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, the collectors of the impost at the different ports within this State, shall be obliged to settle with the comptroller and pay the monies by them received to the treasurer every six months; and in case of failure upon complaint being made by the comptroller or treasurer to the Governor for the time being, he shall have full power and is hereby directed to suspend such collector or collectors from office and appoint others in their stead, who shall give bond as is hereinafter directed, and remain in office until the end of the next General Assembly.

X. And be it further Enacted, That each and every of the collectors shall within three months after the passing of this Act, give a further bond and approved security to the Governor for the time being, in the sum of ten thousand pounds, for the faithful discharge of their duty in office.

XI. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the twelfth section of an Act, entitled, "An Act

directing the sale of confiscated property," passed at New Bern, in the year one thousand seven hundred and eighty-four, be, and the same is hereby repealed and made void.

XII. And be it further Enacted, That all Acts and clauses of Acts directing the duty of clerks in making returns and settlements, which come within the purview hereof, shall be, and the same are hereby repealed and made void.

CHAPTER XIII.

An Act Authorising and Requiring the Sheriffs of the Several Counties in This State to Bring Suit, Take Into Possession, Receive and Make Sale of All Property Left by the British in This State During the Late War.

Whereas it is represented to this General Assembly that negroes, horses and other property have been left in different parts of this State by the British army:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the sheriffs of the several counties in this State be and they are hereby authorised and required to demand, ask for and receive into their possession all negroes, horses, waggons and other property of every nature and kind, which may have been left in their respective counties by the British army during the late war; and the said sheriffs shall have the same power to prosecute a suit or suits as the commissioners of confiscated property have under an Act, entitled "An Act directing the sale of confiscated property," and shall make sale of the said property in the same manner in their respective counties, and under the same regulations and restrictions as to making sale and accounting for the proceeds, returning one descriptive list of such property to the comptroller's office attested by the court of the county, with an account of sales, a copy of which shall be recorded in the county court office and entered at large on the minutes of said court.

And whereas the property before mentioned liable to be sold for the use of the State, may be the property of citizens of the United States:

II. Be it therefore Enacted by the authority aforesaid, That any property so left and recovered or received by the sheriff shall be sold for current money at twelve months credit, taking bond and sufficient security for the payment.

III. And be it further Enacted, That if any citizen of the United States claiming any of the property shall hereafter make it appear to the satisfaction of the General Assembly, that they were legally entitled to any of the said property, they shall receive the sum such property sold for, with lawful interest thereon from the time such money was paid into the treasury.

CHAPTER XIV.

An Act to Repeal the Fourth Section of an Act Passed at New Bern in the Year One Thousand Seven Hundred and Eighty-Four, Entitled "An Act to Amend and Supply the Deficiencies of an Act Passed Last Assembly at Hillsborough, Entitled An Act to Regulate the Descent of Real Estates, to Do Away Entails, to Make Provision for Widows, and to Prevent Frauds in the Execution of Last Wills and Testaments, and for Directing How Deeds of Gifts and Bills of Sales of Slaves Shall Be Executed, Authenticated and Perpetuated."

Whereas the operation of the fourth clause or section of the above mentioned Act in a great measure deprives the widows of persons dying intestate, of the just and reasonable proportion and share of the personal estate of their deceased husband, as provided for them and expressed in an Act of the General Assembly of this State, passed at Hillsborough in the year one thousand seven hundred and eighty-four, entitled "An Act to regulate the descent of real estates, to do away entails, to make provision for widows, and to prevent frauds in the execution of last wills and testaments:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the aforesaid fourth section or clause of the first recited Act passed at New Bern in the year one thousand seven hundred and eighty-four, shall be, and is hereby declared to be and remain null and void to all intents and purposes as if the same had never been made.

CHAPTER XV.

An Act to Enable the County Courts to Appoint Commissioners to Keep Open Rivers and Creeks at Their Several Falls so far as They Think Necessary, for the Passage of fish Up the Same.

Whereas it is necessary for the general good of the citizens of this State that the several rivers and water courses within the same should be kept so far open as to allow a free passage for fish up the same:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county courts of pleas and quarter sessions shall be and they are hereby empowered to appoint commissioners to examine and lay off the rivers in their county, and where the river is a boundary between two counties to lay off the river on the side of the county appointing such commissioner; and further such commissioner shall in laying off the rivers allow three-fourths of such rivers for the owner or owners of the same, for the purpose of erecting stops, dams and stands, and one fourth part including the deepest water of the river and creeks they shall leave open for the passage of fish, marking and designating the same in the best manner they can; and where any mill or mills are built across any such river or rivers, and slopes are or may be necessary, commissioners shall be appointed as above, who shall lay off such slope or slopes and determine the length of time such shall be kept open; and such commissioners shall and they are hereby required to return to their respective county courts a plan of such falls, dams and other parts of rivers as may have been thought necessary to survey as above.

II. And be it further Enacted by the authority aforesaid, That all and every person or persons who shall hereafter erect any stand, dam, ware or hedge in such part of the river as by this law is required to be left open

for the passage of fish, or who shall not make and keep open any such slope as the commissioners may judge necessary, shall forfeit and pay five pounds for every twenty-four hours any person shall keep up, erect or make any such stop, dam, stand, ware or hedge, or dam up or stop any such slope, to be recovered by any person suing for the same, one half to his own use the other half to be applied to the use of the county, either by warrant before a justice of peace, or in a court of law as the case may require.

CHAPTER XVI.

An Act for the Accommodation of Post-riders, and to amend an Act, entitled "An Act to Empower the County Courts of Pleas and Quarter Sessions of the Several Counties in this State to Order the laying out public Roads, and to establish and settle Ferries, and to appoint where Bridges shall be Built, and to Clear Inland Rivers and Creeks," Passed at New Bern the twenty-second Day of October, one thousand seven hundred and eighty-four.

Whereas it is represented that persons who contract for riding post or carrying the public mail are subject to great delays by detention at ferries, or to very grievous exactions, to the injury of the public:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That such person or persons as may contract for riding post or for carrying the mail in stages, shall be authorized to keep a boat and to employ hands for the sole purpose of transporting the public mail, and such passengers as may travel in the stage with the same, across any ferry or ferries without let or hindrance; any law to the contrary notwithstanding. Provided nevertheless, That nothing contained in this Act shall be so construed as to authorize the contractors for riding post or for carrying the mail by stage, to transport any other passengers across at public ferries than such as travel by the stage, and that no person or persons shall pretend to transport any other passenger for pay at a public ferry, unless he or they are duly authorized so to do by the court of the county in which the ferry may be, or of the county from which the passenger may be carried, under the penalty of five pounds for every offence, to be recovered before any Justice of the Peace to the use of the person who may sue for the same, subject nevertheless to an appeal by the party grieved to the county court.

CHAPTER XVII.

An Act Authorizing and Empowering the County Courts of Pleas and Quarter-sessions to Divide and Appropriate the Real Estate of Intestates.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the Authority of the same, That the Judges of the Superior Court of law and equity and the Justices of the county courts of pleas and quarter-sessions, be and they are hereby required and empowered on petition of one or more persons claiming the real estate of any intestate, to appoint five commissioners to divide and appropriate the same, or so much thereof as shall be prayed for, and the court shall judge proper and requisite according to law; provided, That in all cases where the real estate lies in different counties within this State, such petition shall be exhibited in the superior court of the district where such real estate or

part of it lies, and where the estate lies in one county only the petition for a division shall be to the court of such county and no otherways; and further said commissioners or a majority of them, being first sworn to do justice among the claimants according to the best of their skill and abilities, are hereby empowered to charge the more valuable dividend or dividends with such sum or sums as they shall judge necessary to be paid to the dividend or dividends of inferior value, in order to make an equitable division; which sum or sums so charged shall be paid to the owner or owners of the dividend or dividends of inferior value, by or to the guardian or guardians for and on account of the minors, within one year after the commissioners shall have made a return of their proceedings. And further the said commissioners or a majority of them are hereby required, as soon as they can, to make a return of their proceedings and appropriations, under their hands and seals, ascertaining with precision the different tracts or parcels of lands, lots or houses, with actual surveys of the same when necessary, to the court by which they were appointed; which return and appropriation shall be certified by the Clerk and enrolled in his office and registered in the office where such lands, lots or houses respectively lie, and such return and appropriation shall be binding and valid in, among and between the claimants, their heirs and assigns forever.

II. And be it Enacted by the authority aforesaid, That the said commissioners for their trouble and services, may take and demand whatever the court by which they may be appointed shall judge adequate to the trouble they may have been at, and for the expences incurred either to surveyors or otherwise; the said expences to be paid in equal proportions by the claimants: And further if said charges are not paid on return of their proceedings and services, execution shall and may issue against the petitioner or petitioners in the same manner as for the attendance of witnesses.

CHAPTER XVIII.

An Act to Empower the County Courts to Proceed in Certain Cases as therein directed.

Whereas in the course of the late war many accidents have happened by fire or otherwise, whereby the books of accounts, bonds and other writings and papers of persons deceased have been destroyed, and the proofs of many debts, dues and demands due and owing to the said deceased persons, have been thereby rendered impassible, and by means of the said accidents no recovery of the said debts, dues and demands can be had in the ordinary course of law, and many orphans are likely to be greatly injured.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That in all such cases, where the papers of any deceased person have been or shall hereafter be so destroyed by accident, due proof being thereof made to the court of the county and entered on record by the direction of the court, it shall and may be lawful for the executors or administrators of such person to prefer a petition for the recovery of any debt or demand due and owing from any person whatsoever to the court of the county where the debtor resides, in the manner and under the regulations prescribed by "An Act for the better care of orphans and security and management of their estates," passed in the year one thousand seven hundred and sixty-two, therein setting forth the said debt and the amount thereof as nearly as may be, and

the supposed origin thereof; and such petition being filed in the Clerk's office, the same proceedings shall be had therein, and the defendant shall be bound and subject to the same rules, as in the twenty-third section of the said Act and the last clause thereof is directed, as fully to all intents as if the said clauses and every sentence thereof were herein particularly set down and expressed.

II. And be it further Enacted, That this Act shall in no case be allowed to take place but only where papers have been accidentally destroyed; nor where it shall appear to the court on trial there was used any kind of fraud to obtain the benefit of this Act; in which last case the suit shall be dismissed with cost.

CHAPTER XIX.

An Act directing the Clerks of the Several Courts of Record within this State as to their duty in office with respect to issuing Writs.

Whereas transient persons and others having no property either real or personal in this State, obtain writs and enter into litigious lawsuits where they have not allegations sufficient to support a suit, or property to disburse the charges thereof in case of failure, much to the injury of the good citizens thereof: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the first day of July next, no writ or other leading process returnable to any of the courts of record within this State, shall be granted or issued by the Clerk or his assistant in office, but under the following regulations and restrictions, to-wit: That the Clerk, either by himself or his deputy, before issuing any writ or other leading process, take sufficient security of the person so applying, conditioned that they will prosecute such suit or suits they may so commence, and in case of failure of such prosecution pay to the defendant all such costs and damages as may be awarded against him by the court having cognizance thereof.

II. And be it further Enacted by the authority aforesaid, That where any Clerk either by himself or his deputy in office, shall issue any writ or other process, he shall enter the same into a book by him to be kept for that purpose, together with the names of the plaintiff and the defendant, the place of their abode, the name of the security or securities for obtaining such writ and the place where they live, and have the same before the Judges of the court where he may so officiate as Clerk, subject to the examination of such court.

III. And be it further Enacted by the authority aforesaid, That if any Clerk either by himself or his assistant in office, shall issue any writ or other leading process otherwise than by this Act directed, he shall pay to the defendant the sum of one hundred pounds, to be recovered by action of debt in the court where such offence shall have been so committed; and also shall forfeit and pay the sum of fifty pounds for every offence so committed by such Clerk or his assistant in office, recoverable in any court of record having cognizance thereof, one half to the use of the person suing for the same, the other half to the use of the poor of the county.

IV. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the Clerk of such court to tax in the bill of costs the sum of two shillings for every security by him so taken, and also the sum of two shillings for entering the same together with the names of the

security, in the book to be by him kept for that purpose; any law, usage or custom to the contrary notwithstanding.

CHAPTER XX.

An Act to Compel the Attendance of all Such Persons as are or shall be Elected to Represent any County or Town in the General Assembly of this State, at such time and place as may be appointed.

Whereas the want of the due and punctual attendance of persons elected as members of the General Assembly at the time and place appointed for holding their sessions, hath been found prejudicial to individuals, and highly injurious to the public:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the first day of April next, every person who shall be elected to represent any county or town in this State in the General Assembly thereof, shall meet at such time and place as may be appointed for the meeting of the General Assembly by adjournment or otherwise, on the first day appointed for that purpose, and attend to the public business as occasion may require.

II. And be it further Enacted by the authority aforesaid, That in case any person who shall be hereafter elected to represent any county or town in the General Assembly of this State, shall fail, refuse, neglect or delay to attend to the duties of his appointment agreeable to the directions of this Act, every such person shall forfeit and pay for not appearing as aforesaid the sum of five pounds current money of this state, and the sum of twenty shillings like money for each and every day he may be absent from his duty during the sessions; which sum or sums of money shall be deducted or taken from his pay or allowance as a member if the same shall be sufficient; and should the fine or forfeiture exceed the pay or allowance of such member or person elected as aforesaid, then and in that case such excess so remaining due, shall be taken out and deducted from any future allowance which may be made to such person as a member by the General Assembly of this State. Provided neverthelesss, That a majority of the members of either house of the General Assembly may and shall have power to remit to any person having incurred the same, the fines and forfeitures aforesaid, or any part thereof, where it shall appear to their satisfaction on oath or affirmation, that the person hath been prevented from attending his duty by sickness, unavoidable hindrance or other sufficient cause; anything heretofore in this Act mentioned to the contrary notwithstanding.

III. And be it further Enacted, That the members of the General Assembly shall have freedom of speech and debate in General Assembly, and not be liable to impeachment or question in any court or place out of the General Assembly for words therein spoken; and the members are hereby declared protected from all arrest and imprisonment or attachment of property during the time of their going to, coming from or attending the General Assembly, agreeable to the certificate of his attendance, except for felony, treason or breach of peace.

IV. And be it further Enacted, That the Sheriff of every county in this state shall make return to the General Assembly, at their first annual meeting, of the persons elected in his county to represent the inhabitants in either house of the legislature, and shall therein certify whether the persons so returned were chosen by their own consents, and which of them was

so chosen; and if any person so returned shall fail to attend at any session of the General Assembly which he ought to attend, then such person shall forfeit and pay the sum of twenty-five pounds, to be recovered in the court of pleas and quarter-sessions of the county for which such person was elected, at the suit of the Governor for the time being, on the certificate of such failure issued by the Speaker of the House in which such delinquency happened, unless sufficient excuse for such failure be offered and proved on oath by such delinquent member at the next succeeding Assembly.

CHAPTER XXI.

An Act to amend an Act, entitled "An Act to amend an Act passed at New Bern in December, one thousand seven hundred and eighty-five, for increasing the Jurisdiction of county courts of pleas and quarter-sessions, and of Justices of the Peace out of court, and to direct the time of holding Courts in this State;" to appoint jurors for the District of Wilmington, to amend an Act, entitled "An Act to establish a Court of law and equity in the County of Davidson;" and also to amend an Act, entitled "An Act for the establishing a militia in this State."

Whereas doubts have arisen in the several county courts in this State respecting the trial of appeals: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That any Justice of the Peace granting an appeal to the county court, is hereby authorized and required on application of either of the parties, to issue subpoenas directed to the Sheriff or other lawful officer in any county within this State, for witnesses to appear and give testimony at the said court to which said appeal is returnable, and due respect shall be paid to such summons, and the officer to whom such subpoena shall be directed, and every witness summoned in consequence thereof, shall be under the same rules and regulations, and subject to the same penalties and entitled to the same pay, privileges and emoluments as if such subpoena had issued from the Clerk of the court to which said appeal shall be returnable.

And whereas doubts have arisen respecting the authority and duty of Sheriffs and Constables in serving warrants:

II. Be it Enacted by the authority aforesaid, That when any Sheriff, Constable or other lawful officer shall serve a warrant on any person or persons who shall refuse or neglect to give bond and security according to law, for his, her or their appearance before such Justice, and at such time and place as he, she or they shall be directed (to appear and stand trial and fulfil the judgment of said Justice) by said officer, such officer is hereby authorized and required to commit such person or persons to the gaol of the said county in the same manner as Sheriffs are directed and authorized to commit defendants in cases of arrests by virtue of a writ from the county court of pleas and quarter-sessions.

And whereas the counties of Cumberland, Moore, Robinson and Sampson from the district of Wilmington are included in the district of Fayetteville, whereby there will be a deficiency of Jurors to the superior court for the district:

III. Be it therefore Enacted by the authority aforesaid, That the county courts belonging to the district of Wilmington, be and they are hereby empowered and required to appoint the following number of jurors from their respective counties at each court immediately preceding the said superior

court of Wilmington, viz.: New Hanover twelve, Brunswick six, Onslow six, Duplin six and Bladen six; which jurors to be appointed shall be under the same rules and regulations, and have the same pay as other jurors in this state.

And whereas before the establishing a superior court jurisdiction for the county of Davidson, sundry appeals have been granted from the county court of Davidson to the superior courts of the district of Morgan and Washington; and for the ease and convenience of the said appellants:

IV. Be it enacted by the authority aforesaid, That the Clerks of the superior courts of the district of Morgan and Washington on application of either party, where both parties reside in the counties of Davidson or Sumner, tendering all fees due therein, shall transmit to the Clerk of the said superior court of Davidson all the papers relative to any appeal or appeals that have been so transmitted to either of them, and the said superior court of the district of Davidson shall proceed and determine thereon as in other cases of appeals according to law.

And whereas doubts have arisen respecting the appointing officers of the several regiments of cavalry in this State: For remedy whereof,

V. Be it Enacted by the authority aforesaid, That hereafter the right of recommending Captains, Lieutenants and Cornets or Ensigns of the several regiments of cavalry, infantry and artillery in this State to be commissioned by his Excellency the Governor, shall be and is hereby vested in the field officers of the regiment by whom such Captains, Lieutenants, Cornets or Ensigns are to be commanded, observing the rules and regulations of the militia law now in force in this State.

VI. And be it further enacted by the authority aforesaid, That so much of an Act passed last session of the General Assembly at Fayetteville, entitled "An Act to establish a militia in this State," which directs that the field officers of the militia in each county within this State shall be chosen by joint ballot of both houses of the General Assembly, is hereby repealed and made void.

And whereas the court of the county of Washington was directed by Act of Assembly to be held on the second Mondays of February, May, August and November, and by mistake the said court hath been held on the first Mondays of the said months: Wherefore,

VII. Be it Enacted by the authority aforesaid, That all the proceedings had in the said court the said first Mondays as aforesaid, shall be held and deemed as good and valid in law, as if the said proceedings had been done and transacted on the second Mondays of the months aforesaid; any law to the contrary notwithstanding.

CHAPTER XXII.

An Act for making process in Equity effectual against Persons who Abscond, and who reside without the limits of the State, and for better regulating the proceedings in courts of equity.

Whereas persons have sometimes withdrawn themselves beyond the limits of the State, or otherwise absconded to avoid appearing in courts of equity; and whereas also, no means have been provided to cite persons residing without the limits of the State to appear in the said courts; for remedy of the inconvenience thence arising,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That if any

suit which hath been or hereafter shall be commenced in any court of equity, any defendant or defendants against whom any subpoena or other process shall issue, shall not cause his, her or their appearance to be entered on such process within such time, and in such manner, as according to the rules of the court the same ought to have been entered in case such process had been duly served, and an affidavit or affidavits shall be made to the satisfaction of such court, that such defendant or defendants resides or reside beyond the limits of the State, or that upon enquiry at his, her or their usual place of abode, he, she or they could not be found, so as to be served with such process, and that there is just ground to believe that such defendant or defendants is or are gone without the limits of the state, or otherwise abscond to avoid being served with the process of such court, then and in such cases the court out of which such process issued may make an order directing and appointing such defendant or defendants to appear at a certain day therein to be named; and in cases where such defendant or defendants resides or reside without the limits of the state, a copy of such order shall within sixty days after such order made, be inserted in some gazette regularly published within the state, for such length of time as the court shall order and direct and may when they shall think necessary direct such order to be inserted in any gazette in the United States; and in cases where such defendant or defendants shall have withdrawn him, her or themselves beyond the limits of the state, or otherwise absconded to avoid the service of such process, a copy of such order shall within sixty days after such order made, be inserted in some gazette regularly published within this state if any there be, for such length of time as the court shall direct, and shall within the time aforesaid be posted up at the door of the court-house where such order shall be made, and also in some public place within the county where such defendant or defendants respectively made his, her or their usual abode within thirty days next before such his, her or their absenting; and if the defendant or defendants do not appear within the time limited by such order, or within such further time as the court shall appoint, then, on proof made of such publication of such order as aforesaid, the court being satisfied of the truth thereof, may order the plaintiff's bill to be taken pro confesso, and make decree thereupon as shall be thought just; and may thereupon issue process as in other cases to compel the performance of the decree, either by execution as hereinafter provided to satisfy the demands of the plaintiff or plaintiffs in the said suit, or by causing the possession of the estate and effects demanded by the bill to be delivered to the plaintiff or plaintiffs, or otherwise as the nature of the case shall require.

1st. Provided nevertheless, That such plaintiff or plaintiffs shall first give sufficient security in such sum as the court shall think proper, to abide such order touching the restitution of such estate or effects as the court shall think proper to make concerning the same, upon the defendant or defendants appearing and petitioning to have the said cause reheard, and paying such costs to the plaintiff or plaintiffs as the court shall order. 2d. Provided, That if any decree shall be made in pursance of this Act against any person or persons residing without the limits of the state at the time such decree is pronounced, and such person or persons shall within two years after the making such decree reside within the state or become publicly visible therein, then and in such case he, she or they shall likewise be served with a copy of such decree within a reasonable time after his, her or their coming into the State, or their public appearance shall be known to the plaintiff or plaintiffs; and in case any defendant or defendants against

whom such decree shall be made, shall within two years after the making of such decree happen to die before his or her coming into the state or appearing openly as aforesaid, or shall within the time last before mentioned die in custody before his or her being served with a copy of such decree, then his or her heir of such defendant shall have any real estate whereof possession shall have been delivered to the plaintiff or plaintiffs, if such heir may be found, or if such heir shall be a feme-covert, infant or non compos mentis, the husband, guardian or committee of guardians of such heir respectively, or if the personal estate of such defendant shall have been levied upon or possession thereof delivered to the plaintiff or plaintiffs, then his or her executor or administrator, if any such there may be, may and shall be served with a copy of such decree within a reasonable time after it shall be known to the plaintiff or plaintiffs that the defendant is dead, and who is his or her heir, executor or administrator, and where he, she or they may respectively be served within the state. 3d. Provided always, If any person or persons so served with a copy of such decree shall not within twelve months after such service appear and petition to have the said cause reheared, such decree so made as aforesaid shall stand absolutely confirmed against the person or persons so served with a copy thereof, his, her or their respective heirs, executors and administrators, and all persons claiming or to claim by, from or under him, her or them, or any of them, by virtue of any Act done or to be done subsequent to the commencement of such suit. 4th. Provided nevertheless, That if any person so served with a copy of such decree, shall within twelve months after such service, or if any person not being so served, shall within three years next after the making such decree, appear in court and petition to be heard with respect to the matter of such decree, and shall pay down or give security for payment of such costs as the court shall think reasonable in that behalf, the person or persons so petitioning, his, her or their respective representatives, or any person claiming under him, her or them respectively by virtue of any act done before the commencement of the suit, may be admitted to answer the bill exhibited, and issue may be joined, and witnesses on both sides examined and such other proceedings, decree and execution may be had thereon as there might have been in case the same party had originally appeared, and the proceedings had then been newly began, or as if no former decree or proceedings had been in the same cause. 5th. Provided nevertheless, and be it Enacted by the authority aforesaid, That if any person or persons against whom such decree shall be made, his, her or their heirs, executors or administrators, shall not within three years next after the making of such decree, appear and petition to have the cause reheared, and pay down or give security for payment of such costs as the court shall think reasonable in that behalf, such decree made as aforesaid shall stand absolutely confirmed against the person and persons against whom such decree shall be made, his, her or their heirs, executors and administrators, and against all persons claiming or to claim by, from or under him, her, them or any of them, by virtue of an Act done or to be done subsequent to the commencement of such suit; and at the end of such three years it shall and may be lawful for the court to make such further order as shall be just and reasonable according to the circumstance of the case. 6th. Provided always, That this Act shall not extend or be construed to extend to warrant or make good any proceedings against any person residing without the state, unless the ground or cause of action, or the transaction on which the bill may be brought took place within the limits of the State.

Whereas the present mode of proceeding to carry into effect the decrees

of the court of equity by attachment, Habeas Corpus, attachment with proclamation and commissions of rebellion, are in many cases dilatory, oppressive and inadequate:

II. Be it Enacted by the authority aforesaid, That in all cases where decrees may have been made in any suit in equity in any of the courts in this state, or shall hereafter be made for any sum or sums of money, it shall and may be lawful for execution to issue thereon against the defendant's body, or against his goods and chattels, lands and tenements to satisfy such decree (and lands and tenements, goods and chattels shall be bound by such decree, and execution in the same manner as lands and tenements, goods and chattels are by judgments and executions in law) and costs in the same manner as execution may or shall issue in the courts of law.

Whereas the drawing and enrolling of decrees, rules and orders in equity require considerable skill, experience and attention; and whereas the present mode of adjusting and stating accounts by Auditors or Commissioners has been found productive of great delay and difficulty:

III. Be it Enacted by the authority aforesaid, That the Judges of the said court of equity shall appoint some person of skill and probity to act as Clerk and Master in equity to each of the said courts; who shall give security in the same manner and take the same oath before the Judges as the Clerks on the law side of the court, and shall hold his office during good behaviour; and the said Clerk shall keep a fair and distinct record of the proceedings of the court of equity to which he may be appointed; and the bills, answers and decrees shall be regularly enrolled in a well bound book kept for that purpose; and shall be entitled to the following fees and no other:

For a report on an answer, three shillings; on a plea and answer, four shillings; on a demurrer and answer, four shillings; for an affidavit to an answer, one shilling and six pence; for an affidavit to a bill, one shilling and six pence; for a separate affidavit, two shillings; for a copy report by the office, copy sheet, two shillings; for a report stating an account, one per cent. on the amount of each account exhibited where the account is made five hundred pounds, and a half per cent for all sums over five hundred pounds; for copies of proceedings and exemplifications, copy sheet, two shillings; for taking a bond, one shilling and six pence; for every rule given for service, two shillings and six pence; for every rule not for service one shilling and three pence; for every subpoena writ or other process, ten shillings; for every dedimus or commission, five shillings and four pence; for every injunction, ten shillings; for drawing decrees, four shillings by the copy sheet; for enrolling a bill or answer, two shillings by the copy sheet; for entering a plea or demurrer, two shillings; for recording depositions to perpetuate testimony, by the copy sheet, two shillings; for every search, one shilling; for every dismission, two shillings. And further, the said Master in equity is hereby fully empowered and authorized to administer the oath or affirmation to all and every person and persons either witnesses or others having business in the court of equity at all times, in the same manner as Masters in Chancery do in like cases in Great Britain.

And to prevent confusion in construing Acts relative to the proceedings in said courts:

IV. Be it Enacted by the authority aforesaid, That from and after the expiration of the present session of the General Assembly, such courts in all equity proceedings shall be stiled and called the court of equity for its respective district, and in all law proceedings the superior court of law for its respective district as formerly.

CHAPTER XXIII.

An Act to amend the several Acts of Assembly heretofore passed for giving further time to Surveyors; within the different Counties to make their Survey and Return Plots thereof to the Secretary's-office, and for giving a Further Time for the Registration of Certain Deeds issued from Lord Granville's office and Marriage Contracts therein mentioned.

Whereas by misconstruction of the several laws respecting entering and surveying lands in this State, impositions have been attempted on the original enterer of the said lands: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the Surveyors in the several counties in this State shall survey all entries of land according to the priority of such entry paying due respect to the number of each warrant, and every grant hereafter to be obtained by any subsequent entry or entries otherwise than is by this act directed, shall be and the same is hereby declared void and of no effect; any law or custom to the contrary notwithstanding. Provided nevertheless, That nothing herein contained shall be construed to prevent any person making a subsequent entry on any land, from surveying and obtaining a grant as the law directs for all such surplus land as shall remain after the enterer or enterers of such land hath surveyed his, her or their entry or entries as aforesaid.

II. And be it further enacted, That all deeds issued from the office of the late Earl of Granville, and not already registered, may have a further time of twelve months allowed for registration, and the proof necessary thereto shall be by parity of hands; provided, that the lands held under such deeds shall have been actually occupied by the original grantee or some person under him for the space of seven years and taxes paid thereon for the said time, and that the said lands have not been entered in the land office under the present government by any person or persons whatsoever; and all deeds under the description and conditions aforesaid proved and registered shall be good and valid in law, and shall enure and take effect as fully and effectually to the use and behoof of the grantees, their heirs and assigns, and those claiming under them, as if such deeds had been proved and registered agreeable to the directions of any Act of Assembly heretofore made.

III. And be it Enacted, That all marriage contracts made and entered into before the passing of the Act, entitled "An Act directing the marriage settlements and other marriage contracts," shall be registered, and for preventing injury to creditors shall be allowed a further time of twelve months for registration, and if duly proved and registered within that time, shall be as good and valid in law to all intents whatsoever as if the same had been proved and registered within the time thereby limited and directed.

CHAPTER XXIV.

An Act to repeal part of an Act passed at New Bern in the year one thousand seven hundred and eighty-five, entitled "An Act for destroying Wolves, Panthers, Wild-cats, Bears, Crows and Squirrels in the Several Counties therein mentioned."

Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the before recited Act so far as the same provides for

the killing of crows and squirrels be and the same is hereby repealed and made void.

CHAPTER XXV.

An Act to Effect the Cutting and Clearing a Road from the Lower End of Clinch Mountain to the Cumberland Settlements, and for Preserving and Granting Safety to the Inhabitants Thereof.

Whereas it has been represented to the General Assembly by the representatives of the counties of Davidson and Sumner, as the earnest wish of the inhabitants of the said counties, that a law should pass impowering the commanding officers of the aforesaid counties to call on the militia thereof to carry the same into full effect; Therefore,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the commanding officers of the before mentioned counties to appoint two or more persons to examine, survey and mark out the best and most convenient way from the lower end of Clinch Mountain to the settlements of Cumberland as aforesaid; and the said commanding officers are hereby vested with full power and authority to order out the militia of the counties of Davidson and Sumner, to cut and clear the road so marked as aforesaid, under the direction of themselves or either of them, or any of the field officers by them appointed to superintend the same.

And in order that the strictest justice may be done to every militia man and officer in performing the same:

II. Be it further Enacted by the Authority aforesaid, That the commanding officers of the said counties of Davidson and Sumner shall at their general muster in April next, cause the militia to be divided into four equal classes of first, second, third and fourth as near as may be, in the same manner as the militia in this state was formerly classed, and shall call on them by classes or part of classes, beginning with the first and so in rotation until the road shall be cut as aforesaid; and in case any officer or militia man shall refuse or neglect to appear when called upon to perform such tour, and bring with him such tool suitable for cutting and clearing the road as aforesaid as may be enjoined by his officer, as also such quantity of provision as may be deemed necessary for such tour, or when on such tour or duty shall refuse or neglect to perform the duties that may be enjoined him by the officer or officers having the command over the said work, he or they so offending shall suffer the same pains and penalties as are inflicted by the militia law now in force in this state, and be proceeded against in the manner as is by the said law directed, and all such fines and forfeitures shall go towards paying the persons employed in viewing and marking the said road.

And whereas it is just and reasonable that all persons performing any useful and laborious task should receive adequate compensation for the same:

III. Be it therefore Enacted by the authority aforesaid, That it shall and may be lawful for the county courts of the counties of Davidson and Sumner in their quarter sessions, to lay a tax on the poll and all taxable property within the said counties sufficient to pay the labourers employed in cutting and clearing the said road from the lower end of Clinch Mountain to the Cumberland settlements, and also those employed in superintending the ame,

and also for the provision necessary to be furnished those employed in the said service; and the tax so to be levied shall be collected and accounted for by the collectors of the public tax and by them to the county Treasurer, and by him to the courts, and by them or their Chairman to those employed as above; and the said Collector or Collectors, before he or they enters on the execution of their office, shall enter into bond with one or more sufficient securities in double the sum to be by him or them collected, for the faithful performance of the trust in him or them reposed, and for the collecting and accounting for all such monies by him or them so received, after deducting three per cent. for collecting and paying the same; and in case he or they shall fail or neglect to collect and account for the same in due time, he or they so failing or neglecting shall be proceeded against as in case of delinquent Sheriffs or Collectors, and suffer the same pains and penalties that may be had against such Sheriffs and Collectors of public taxes in this State.

And whereas it hath been found by experience that the inhabitants of the counties of Davidson and Sumner are exposed to great danger from the neighbouring Indians, who may be provoked by the outrages of disorderly persons passing through or from the said counties to the Indian nations: For remedy whereof,

IV. Be it Enacted by the authority aforesaid, That it shall not be lawful for any person to pass through or go from either of the counties of Davidson or Sumner to any of the Indian towns, unless he or they shall have a pass from some officer duly authorized under the United States, the executive of this State, or the field officers of the militia of one or other of the counties aforesaid.

V. Be it further Enacted, That if any person or persons offending against the true intent and meaning of this Act, he, she or they being thereof lawfully convicted, shall be liable to a fine not exceeding ten pounds, to be assessed by two Justices of the Peace; and in case any person within the limits of the counties of Davidson and Sumner shall menace, provoke or plunder a friendly Indian, or by threatening to kill or destroy or beat him or any of his tribe or the allies of his tribe being friendly to this or the United States, he, she or they so offending shall be subject to the same pains and penalties on an action brought in behalf of such Indian, as though he, she or they had insulted or plundered a citizen of this State.

And whereas it hath been further presented to the General Assembly by the representatives of the aforesaid counties, that it would be of great utility and encourage the emigration of the Cumberland settlements, to empower the militia officers to call on the militia to escort families from Cumberland Mountain to the said settlements not more than four times in every year:

VI. Be it therefore Enacted, That it shall be lawful for the commanding officers of the counties aforesaid, to call out any number of militia not exceeding fifty, at any time it shall be made known to them that a number of families are at the Cumberland Mountain waiting for an escort to conduct them to the said settlements; and the county courts are hereby required to levy a tax on the poll and taxable property in the said counties from time to time, sufficient to pay the said expence, to be collected and accounted for as in case of cutting the road mentioned in the foregoing part of this Act

CHAPTER XXVI.

An Act to Encourage the Making of Salt in Davidson County.

Whereas it is represented to the General Assembly by the inhabitants of Davidson county, that the Salt Springs cannot be of any public use unless some person or persons shall have the exclusive right of improving the same:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the springs or licks commonly called French Lick, Neeley's Lick, Gasper's Lick and Ramsey's Lick, together with the tracts of land belonging to or reserved with those licks respectively, shall be and they are hereby vested in John Kirkpatrick, Lardner Clark, Jonathan Drake, William Simpson, John Boyd, Ephraim M'Laine and Robert Edmonson, Commissioners to lease or rent the aforesaid springs or licks for any term of time not exceeding ten years from and after the passing of this Act; and the monies arising from such leases or rents to be applied to the public use of the inhabitants of the county of Davidson; and the aforesaid Commissioners shall give bond with security to the court of said county for the faithful accounting of said monies annually to the county Treasurer, and shall make public advertisement of the time when the said leases shall be made and the said licks and lands rented, at the court-house of the said county, at least ninety days previous thereto.

CHAPTER XXVII.

An Act to extend an Act, entitled "An Act to Pardon and Consign to Oblivion the Offences and Misconduct of Certain Persons in the Counties of Washington, Sullivan, Green and Hawkins."

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Act and every clause thereof, shall be and is hereby extended to all persons who are desirous to avail themselves of the benefits and advantages contained in the same, and are hereby declared pardoned of the crimes mentioned therein and fully restored to the privileges of citizens; any law to the contrary notwithstanding.

And whereas sundry of the inhabitants of the counties aforesaid have failed to give in an account of their taxable property for the year one thousand seven hundred and eighty-seven as the law directs:

II. Be it therefore Enacted by the authority aforesaid, That a further time of three months from and after the passing of this Act shall be allowed them to render an account of their taxable property in such manner as is prescribed by law, and all persons who shall neglect or refuse to comply therewith shall be subject to all the pains and penalties prescribed by said law to be inflicted on them, and all suits commenced for the recovery of any penalty or forfeiture incurred by not complying with the laws usually called revenue or tax laws, shall be discontinued on the defendant or defendants assuming all the costs thereon in open court.

CHAPTER XXVIII.

An Act for the Better Regulation of the Town of Edenton.

Whereas it is the interest of every State to regulate the police of its towns

and encourage their trade, and the laws heretofore made for regulating the town of Edenton have proved defective and inconvenient:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That five commissioners for the town of Edenton shall be chosen annually on the first Monday in April, and the sheriff of Chowan county or his deputy is hereby required to attend at the court house on the same day and at the hour of ten of the clock in the morning, to open the poll and receive the tickets in the presence of two inspectors, being freeholders of the said town and when the election shall be finished such returning officer and inspectors shall in the presence of such of the electors as chuse to attend examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected, but when two or more persons shall have an equal number of votes the returning officer shall have the casting vote, but shall not vote in any other case whatsoever; and in like manner the said sheriff or his deputy first giving ten days notice by public advertisement shall on the first Monday in April in every year afterwards in the same manner open the poll, receive the tickets and proclaim the commissioners for the ensuing year, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt in the court of the county of Chowan by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor the other half to be paid to the treasurer of the town for the use of the said town; and the commissioners so chosen shall before they enter on the execution of their office take the following oath: "I, A. B., do swear that I will faithfully discharge the office of commissioner for the town of Edenton agreeable to law, and to the best of my knowledge and judgment. So help me God."

II. And be it further Enacted by the authority aforesaid, That no person shall be deemed qualified to act as a commissioner of the town of Edenton unless he hath a lot of land therein with a dwelling house on the same in his own right in fee, and that all the freemen who have paid public taxes and have been inhabitants of the said town six months next before and at the day of election, shall be entitled to vote for the commissioners of the said town, and no others.

III. And be it further Enacted by the authority aforesaid, That the commissioners shall appoint one of their body to act as treasurer of the town for that year to receive and account for the town monies, for which a regular entry must be made in a book kept for that purpose, and upon the appointment of a new treasurer the old one shall immediately pass his account with him and pay any balance there may be in his hands; provided, that before such treasurer enters on his office he shall give his bond with approved security payable to the commissioners for the faithful discharge of his duty.

IV. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall choose and appoint a proper person to be their clerk of the said town, to act as such during good behaviour, who shall be allowed a reasonable salary and enter into bond to the commissioners of the said town and their successors with sufficient security in the sum of two hundred pounds lawful money of this State, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care and keeping a regular and fair journal of the proceedings of the commissioners during his continuance in office; and all persons shall have free access to the journals and papers on paying two shillings to the clerk, under the penalty of forty shil-

lings for every refusal, to be recovered before a justice of the peace of the county of Chowan by any person who shall sue for the same within a month after such refusal, one half to the prosecutor the other to be paid to the treasurer of the town for the use of the town.

V. And be it further Enacted by the authority aforesaid, That the commissioners of the town so chosen and qualified agreeable to the direction of this Act shall be and they are hereby incorporated into a body politic and corporate by the name of the commissioners of Edenton, and by that name to have annual succession by the election of the freeholders and freemen as by this Act is directed and a common seal, and that they and their successors by the name aforesaid shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever in trust for said town any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant, demise, alien or dispose of the same, also to receive and take any gift or donation whatsoever to the said town, and also by the same name to sue and implead, be sued and impleaded, answer and be answered in all courts whatsoever, and from time to time and at all times hereafter under their common seal to make such rules, orders, regulations and ordinances as to them shall seem meet for repairing the streets, erecting public wharfs, appointing market places and regulating the same, also all weights and measures and regulating the price and weight of bread once every month according to the price of flour, erecting public pumps and keeping in repair those already erected, surrounding the town with a ditch or fence, erecting proper gates on the highways and making proper allowances for such services, and also shall have full power to enforce a compliance and observance to such regulations by laying fines and penalties not exceding five pounds on those who shall refuse or neglect to conform to such rules and regulations, to be recovered by a warrant under the hand and seal of the said commissioners directed to any constable or other person by them appointed, subject nevertheless to an appeal to the county court, which said appeal shall be tried by a jury of good and lawful men, and in case of a slave being the offender the punishment on conviction shall not exceed thirty-nine lashes: Provided always, That such rules, regulations and ordinances are not inconsistent with the constitution and the laws of the land.

VI. And be it further Enacted by the authority aforesaid, That if any of the said commissioners before the next annual election should die, remove out of the county or refuse to qualify, the remaining commissioners shall elect and choose others in the room and stead of those dying, removing or refusing to qualify as aforesaid, which said commissioners so chosen and qualifying by taking the oath as aforesaid, shall have the same power as the other commissioners have by this Act.

VII. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall annually levy a tax not exceeding ten shillings on every hundred pounds value of taxable property within the said town, and a poll tax of ten shillings on all persons who do not possess in the said town any taxable property, which tax shall be collected by a warrant under the hands and seal of the commissioners directed to such person as they appoint for that purpose.

And the more effectually to ascertain the taxable property within the said town:

VIII. Be it Enacted by the authority aforesaid, That every inhabitant thereof shall yearly at the time he shall give in his taxable property to be assigned for the use of the State, distinguish in the list he shall return

what part thereof is situated within the said town, and ascertain the number of his, her or their lots; and if any inhabitant shall fail so to do, the commissioners shall and may order the town tax to be levied for the double of the amount of the taxable property of the person so failing as aforesaid.

IX. And be it further Enacted, That all persons who shall have resided six months in the said town shall be subject to pay taxes of the said town.

X. And be it further Enacted by the authority aforesaid, That the commissioners or a majority of them shall annually appoint a proper person to collect the tax of the said town agreeable to the assessment made by the assessors appointed by the court of the county of Chowan, and the person so appointed before he enters on the execution of his office shall enter into bond with sufficient security in the sum of four hundred pounds lawful money of this State, to the commissioners of the town and their successors, for the faithful discharge of his duty; and in case the person so appointed shall refuse to serve or fail to give security as aforesaid, the said commissioners shall and may proceed to nominate and appoint any other person who may be willing to act and enter into bond with security in manner as aforesaid; and the collector so appointed shall and is hereby empowered, directed and required to collect the said taxes and pay the same to the treasurer of the said town on or before the first Monday in July in every year, after deducting five per cent. commissions for his trouble in making the said collections; and if any such collector shall neglect or refuse to account for on oath and pay the several taxes wherewith he is chargeable according to the directions of this Act, after deducting his commissions, it shall and may be lawful for the superior court of Edenton district or the county court of Chowan, on motion of the commissioners or a majority of them, or on motion of the treasurer of the town on their behalf to give judgment against such collector and his securities for all monies wherewith he shall or may be chargeable to the town with costs of suit, and thereupon to award execution against the body or against the goods and chattels, lands and tenements of such collector and his securities: Provided always, That the collector shall have ten days previous notice of such motion.

XI. And be it further Enacted by the authority aforesaid, That if the inhabitants of the said town or other person being liable by this Act shall neglect or refuse to pay the said tax on or before the first Monday in June in every year, it shall and may be lawful for the collector to levy the same by distress and sale of the offender's goods and chattels, and shall take and receive for his trouble twenty shillings for each distress and no more, and after deducting the taxes due and fees, the overplus of the goods and chattels sold shall be returned to the owner if any; and the said commissioners or a majority of them are hereby empowered and authorised to grant deeds for any lot or lots improved or unimproved, which deeds shall be good and valid in law.

XII. And be it further Enacted by the authority aforesaid, That the books in which the proceedings of the commissioners were entered or shall be entered by themselves or their clerk of the town respecting the election of commissioners, laying taxes, granting and conveying lots and entries of lots, that the said books and all the legal proceedings and Acts of the commissioners therein entered agreeable to the Acts of Assembly above recited, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity where the titles of lots may come in question.

And whereas many difficulties have arose respecting the lines describing the lots in said town: For remedy whereof,

XIII. Be it further Enacted by the authority aforesaid, That after

passing this Act the four posts standing at the four corners of King and Broad street shall be the proper station to begin the measurement of describing the lines each way of all the lots in said town; which lines when run (agreeable to the standing of said posts) by the commissioners of said town shall forever be considered as right; any law to the contrary notwithstanding.

XIV. And be it further Enacted by the authority aforesaid, That the commissioners of the said town are hereby empowered and required to cause all such encroachments from which danger may be apprehended or any great injury to the streets to be removed and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended nor any very great injury to the streets, and the owner of such encroachment should not be willing to remove the same, the said commissioners shall impose a ground rent not exceeding forty shillings to be annually paid for each piazza, porch, platform, fence or other encroachment on the street, to be applied to the public stock of the town; and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seal of the commissioners, directed to any person by them appointed for that purpose, on the goods and chattels of the delinquent.

XV. And be it further Enacted by the authority aforesaid, That the said commissioners may let out public lots on the bay or in the town that are not immediately wanted for public use, or buildings on lease for any term not exceeding fifteen years, the rents to be annually recovered (in case of refusal or neglect of the tenants) as heretofore directed for ground rents and applied to the use of the said town.

XVI. And be it further Enacted, That every person who is the owner of any lot in the town of Edenton shall within six months after the passing this Act, cause the same to be cleared from woods and brush, and he shall keep it clear under the penalty of twenty shillings for every offence, to be recovered before any justice of the peace of the county of Chowan for the use of the said town.

XVII. And be it further Enacted, That no inhabitant of the said town shall be permitted to keep any hogs, geese or goats to run or be at large within the bounds of the said town, under the penalty of twenty shillings for every offence, to be recovered before any justice of the peace for the use of said town.

XVIII. And be it further Enacted by the authority aforesaid, That no person shall strain a horse in any public street in the town so as to endanger the lives of children or other helpless inhabitants, nor shall it be lawful for any person to discharge any fire arms within the bounds of said town except on muster days or on other public service; and every person offending against these regulations shall be fined by the commissioners in any sum not exceeding twenty shillings, to be recovered before any justice of the peace of the county of Chowan, and for the use of the said town.

And whereas the court house in Edenton has been much injured, and is subject to repeated injuries from the want of proper care:

XIX. Be it therefore Enacted by the authority aforesaid, That the commissioners aforesaid shall repair the said court house and keep it in order, for which repair they shall be paid out of such money as has been collected or may hereafter be collected for the purpose of erecting a prison or court house in the town of Edenton for the district of Edenton.

And whereas the fire engine of the said town is greatly out of repair, and some parts thereof entirely destroyed:

XX. Be it therefore Enacted by the authority aforesaid, That the said commissioners shall and they are hereby required as soon as they shall be possessed of a sufficient fund for that purpose, cause the said engine to be repaired, and when so repaired that they have the same worked at least once in every month, under the penalty of five pounds for every month which they shall neglect to have the same done, to be recovered by any person who shall sue for the same before any jurisdiction having cognizance thereof.

XXI. And be it further Enacted by the authority aforesaid, That the commissioners are hereby empowered to purchase such a number of leather buckets for the fire engine as they may deem necessary, and also to appoint ten persons inhabitants of the said town to work the said fire engine; which persons shall be exempted except in cases of insurrection or invasion, in consideration thereof, from all other public service during the continuance of their appointment, and that such persons may be removed at any time, and others appointed for said service in their stead.

XXII. And be it further Enacted by the authority aforesaid, That in case of an alarm of fire, all persons inhabitants of the said town who are liable to serve in the militia, shall be obliged to render their best assistance for the extinguishment of the fire and other services incident thereto, under the penalty of forty shillings for every neglect to be recovered by the commissioners by a warrant before a justice of the peace; provided that if it shall appear to the said judge by the affidavit of the said person so failing as aforesaid or otherwise, that he had a reasonable excuse for such neglect, judgment shall not be given for the said penalty but he shall be discharged. The said penalties when recovered to be paid to the town treasurer for the use of the town.

XXIII. And be it further Enacted by the authority aforesaid, That no person shall under any pretence whatsoever make any fires, or cause any to be made, on the wharfs or in the streets in the night time, and any person offending against this regulation shall forfeit and pay the sum of five pounds for every such offence, to be recovered before any justice of the peace of the county and for the use of the said town; and if the offender should be a slave, he or she shall on conviction receive thirty-nine lashes on his or her bare back; provided said slave did not act by order of his owner or the person having the care of such slave, in which case such owner or person shall be subject to the above fine: Provided, That no person shall be subject to these penalties until the commissioners have made publication of the regulations last mentioned for the space of three months at least at the door of the court house of Chowan county.

And whereas the regulations heretofore made to prevent dealing and trafficking with slaves, have been found insufficient to prevent that dangerous and pernicious practice:

XXIV. Be it Enacted by the authority aforesaid, That if any free person shall either buy from or sell to any slave or slaves within the limits of the said town, or shall barter with any slave or slaves any kind of goods or commodities whatsoever or other thing, without a permission in writing from the master or mistress, or any other person having the management of such slave or slaves, every such person shall on conviction before any justice of the peace of the said county of Chowan, forfeit and pay the sum of ten pounds, to be levied of his or her property as other recoveries by law for the use of the said town, subject nevertheless to the appeal of the party grieved; and if the offender shall not have sufficient property to satisfy the judgment, then such offender shall be committed to close custody and shall

remain in prison without bail or mainprise for any time not exceeding three months.

XXV. And be it further Enacted by the authority aforesaid, That if any person or persons shall be convicted of entertaining any slave or slaves in his, her or their house or houses, or other place or places, in any manner whatsoever, for money or otherwise, every person convicted in the above recited manner, shall forfeit and pay the sum of ten pounds for the first offence, and the sum of twenty pounds for every other offence, to be levied of his or her property as other recoveries by law, and for the use of the said town; and if the offender shall be unable to pay the forfeiture, then such offender shall be committed to close custody, and shall remain in prison without bail or mainprize for any time not exceeding six months.

XXVI. And be it further Enacted by the authority aforesaid, That after the passing of this Act it shall not be lawful for any slave in the town to hire her or himself out or exercise any trade or occupation without first producing a permission in writing from the owner, or other person having the management of such slave, directed to the commissioners of the said town, who shall thereupon (if there is no just cause to the contrary) cause the said permission to be entered by the town clerk in their book and filed, for which the owner of the said slave shall pay to the clerk a fee of four shillings; and the commissioners or a majority of them shall grant a license under their hand and seal to such slave to hire her or himself out, for any time not exceeding twelve months, and any slave having a license as directed by this Act may hire him or herself out, and may lawfully be hired to any person or persons whatsoever; and if any person after the passing of this Act hires any slave or slaves in the said town, without such license from the commissioners as directed by this Act, he or she shall forfeit and pay the sum of five pounds for every such offence to be recovered before any justice of the peace of the county, and for the use of the said town. Provided always, That nothing herein contained shall extend or be construed to prohibit any person or persons residing in the said town from hiring out their slaves, or in employing such slaves in exercising any trade or occupation under the immediate direction of their owners, so that such slave or slaves be not permitted to receive the wages contracted for, but in all such cases the owner or the person having the care of such slave, shall make the contract and receive the monies arising therefrom.

XXXVII. And be it further Enacted by the authority aforesaid, That in all Acts of the said commissioners, a majority of them shall constitute a quorum for the purposes intended by this Act.

And whereas it is necessary to collect and enforce the attendance of the commissioners when the exigencies of the town require it:

XXVIII. Be it therefore Enacted by the authority aforesaid, That if any commissioner shall after notice or summons subscribed by three of the commissioners and countersigned by their clerk, such notice or summons to contain the time and place of meeting and to be left at their dwelling house twelve hours at least previous to such meeting, fail to give his attendance he shall forfeit and pay twenty shillings, unless prevented by sickness or such other cause as shall be satisfactory to a board of the commissioners, to be recovered before a justice of the peace of the county and applied to the use of the town. Provided always, That the commissioners shall meet at least once in every month, and such meeting shall be on the first Monday in every month.

XXIX. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall annually in the month of January

publish an accurate list of the taxes, levied and collected in said town, together with a list of each sum expended, to whom paid and for what purpose; and the commissioners failing to comply with the same shall forfeit and pay the sum of fifty pounds, to be recovered by any person who shall sue for the same within twelve months after such offence, before any jurisdiction having cognizance thereof, one half to the prosecutor the other half to be paid to the treasurer of the town for the use of the said town; which sum shall be levied of the proper goods and chattels of the said commissioners or either of them.

XXX. And be it further Enacted by the authority aforesaid, That the commissioners who were chosen in the month of July last are hereby vested with all the powers, authorities and pre-eminence as directed by this Act.

XXXI. And be it further Enacted, That all Acts and parts of Acts heretofore passed for the regulation of the town of Edenton shall be and they are hereby repealed and made void.

CHAPTER XXIX.

An Act for the Better Regulation of the Town of Fayetteville.

Whereas it is the interest of every State to regulate the police of its towns and encourage their trade, and the laws heretofore made for the regulation of the town of Fayetteville have proved defective and inconvenient: And whereas for many years during the late war no commissioners, were chosen, and some lots may remain unconveyed to the proprietors, and doubts may arise concerning the titles to the same:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the books in which the proceeding of the commissioners have been entered by themselves or their clerks, respecting the election of commissioners, laying taxes, granting and conveying lots, drawing lots, orders and settlements with respect to the town monies, and all the proceedings agreeable to Acts heretofore passed for the regulation of the said town, shall be and are hereby confirmed, and shall be received as evidence in any court of law or equity.

II. And be it further Enacted by the authority aforesaid, That seven commissioners shall be chosen on the first day of January in each and every year; and the sheriff of Cumberland county or his deputy is hereby required to attend at the court house or some convenient place in the said town, on the same day at ten o'clock in the morning, to open the poll and receive the tickets in the presence of two inspectors, and when the election shall be finished such returning officer and inspectors shall in the presence of such of the electors as shall chuse to attend, examine and number the ballots, and the persons having the greatest number of ballots shall be declared duly elected, first giving ten days previous notice by public advertisement, under the penalty of fifty pounds for every neglect or refusal, to be recovered by action of debt, before any jurisdiction having cognizance thereof, by any person who shall sue for the same in one year after such neglect or refusal, one half to the prosecutor the other to be paid to the treasurer of the town for the use of the town; and the commissioners so chosen shall before they enter on the execution of their office take the following oath: "I, A. B. do swear, that I will faithfully discharge the office of commissioner for the town of Fayetteville, agreeable to law, and to the best of my knowledge or judgment. So help me God."

III. And be it further Enacted by the authority aforesaid, That the commissioners shall appoint one of their body to act as treasurer of the town for that year to receive and account for the town monies, for which a regular entry shall be made in a book kept for that purpose, and upon the appointment of a new treasurer the old one shall immediately pass his account with him and pay any balance there may be in his hands; provided, that before such treasurer enters upon his office he shall give bond with good security payable to the commissioners for the faithful discharge of his duty.

IV. And be it further Enacted by the authority aforesaid, That the commissioners of the said town shall choose and appoint a proper person to be their clerk of the said town, to act as such during good behaviour, who shall be allowed a reasonable salary and enter into bond to the commissioners of the said town and their successors with two sufficient securities in the sum of two hundred and fifty pounds lawful money of this State, for the due and faithful execution of his office and the trust reposed in him, for the safe keeping of the books and papers put into his care and keeping a fair and regular journal of the proceedings of the commissioners during his continuance in the said office; and the said clerk is hereby authorised and requested to demand and receive from the person or persons, in whose hands the same may be; all the books, journals and papers belonging to the said town which were in the care and posession of the former commissioners; to which books, journals and papers all persons shall have free access on paying two shillings, under the penalty of forty shillings for every refusal.

V. And be it further Enacted by the authority aforesaid, That the Commissioners of the town so chosen and qualified agreeable to the direction of this Act shall be and they are hereby incorporated into a body politic and corporate by the name of the Commissioners of Fayetteville, and by that name to have annual succession by the election of the freeholders and freemen as by this Act is directed and a common seal, and they and their successors, by the name aforesaid shall be able and capable in law to have, purchase, receive, possess and retain to them and their successors forever in trust for said town any lands, rents and tenements of what kind, nature or quality whatsoever, and also grant, sell, demise, alien or dispose of the same, also to receive and take any gift or donation whatsoever to the said town, and also by the same name to sue and implead, be sued and impleaded, answer and be answered in all courts of record whatsoever, and from time to time and at all times hereafter to make such rules, orders, regulations and ordinances as to them shall seem meet for repairing the streets, appointing a constable or constables, town watches or patroles, and making proper allowances by fees or otherwise for such services, and for all such other necessary ordinances, rules and orders which may tend to the advantage, improvement and good government of the said town; and the said rules, ordinances and regulations from time to time to alter, change, amend and discontinue as to the said Commissioners or a majority of them shall appear necessary; and shall also have full and ample power to enforce a compliance and observance to such regulations by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations not exceeding five pounds; and in cases of slaves the punishment of thirty-nine lashes; the said penalty to be recovered and the punishment to be inflicted in manner hereafter mentioned: Provided That such rules and regulations are not inconsistent with the constitution and the laws of the land.

And whereas the proper office of the said Commissioners is that of making

bye-laws and regulations for the government of the said town, and it has been found inconvenient and often impracticable to call together the said Commissioners for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect: For remedy whereof,

VI. Be it Enacted by the authority aforesaid, That a proper person shall be elected at the time and in the manner herein directed for the election of Commissioners, who shall be called the Magistrate of Police for the said town, whose duty it shall be to enforce obedience to the laws and punish offenders, and shall be and is hereby authorized to issue his warrant directed to the Sheriff or his Deputy Sheriff, or town Constable, to summon all the offenders against the laws, rules and ordinances, made and provided for the regulation of the said town, to appear before him, and on their conviction, which shall be in the manner of trials before Justices of the Peace, the said magistrate is hereby required and authorized to give judgment and award execution agreeable to the laws, rules and ordinances provided for the government of the said town; which warrant or executions the said Sheriff, Deputy Sheriff or Constable is hereby required to execute; and on such trials or enquiries is hereby authorized and declared to possess all the necessary powers to administer oaths, and subpoenas and examine witnesses; and shall take the following oath before he enters on the execution of his office: "I, A. B., do solemnly swear that as magistrate of police for the town of Fayetteville, I will do equal right in all cases whatsoever to the best of my judgment and according to the laws, rules and ordinances made for the good government of the said town; all fines and amercements that may happen to be made I will cause to be duly returned to the proper office; and in all things belonging to my office during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice to the public and to individuals."

VII. And be it further Enacted by the authority aforesaid, That the Commissioners of the said town shall annually levy a tax not exceeding nine shillings on every hundred pounds value of taxable property within the said town, and a proportionable poll tax on all persons who do not possess in the said town the value of one hundred pounds taxable property, which tax shall be collected by a warrant under the hands and seal of the Commissioners directed to such person as they appoint for that purpose; and the Collector to be appointed as aforesaid is hereby empowered and directed to collect and make distress for the same in like manner as Collectors of public taxes, and the monies arising therefrom after deducting five per cent. for commissions, shall by him be paid into the hands of the town Treasurer, to be by the Commissioners applied and laid out in clearing, cleaning and repairing the streets and public passages, paying officers for transacting the business of the town, and in such other public work and business as the Commissioners may deem necessary.

And the more effectually to ascertain the taxable property within the said town:

VIII. Be it Enacted by the authority aforesaid, That every inhabitant thereof shall yearly at the time he shall give in his taxable property to be assigned for the use of the state, distinguish in the list he shall return what part thereof is situated within the said town; and if any inhabitant shall fail so to do, the Commissioners shall and may order the town tax to be levied to the whole amount of the taxable property of the person so failing as aforesaid, although part thereof may not be within the said town, anything herein contained to the contrary notwithstanding: And it is hereby

declared that every person inhabiting or occupying any house, or other building or improvement or lot within the said town, shall be liable to the payment of the tax thereof, unless the same shall have been returned by some other inhabitant.

And whereas encroachments may be made on the streets of the said town by erecting piazzas, porches, platforms and other buildings thereon, and the inhabitants and others greatly incommoded, and injury may arise by fire being communicated across the streets thereby: For remedy whereof,

IX. Be it Enacted by the authority aforesaid, That the Commissioners of the said town are hereby empowered and requested to order all such encroachments from which danger may be apprehended to be removed, under such pains and penalties as they shall think necessary to impose; and where any encroachment shall be found on any street or streets from which no immediate danger is to be apprehended, the said Commissioners shall impose a ground rent not exceeding forty shillings to be annually paid for each piazza, porch, platform or other encroachment on the streets, adjoining to or being before any one house or tenement, to be applied to the public stock of the town; and if any person shall refuse or neglect to pay such ground rent, the same shall be levied by a warrant under the hands and seal of the Commissioners, directed to a Constable or other officer to be by them appointed, on the goods and chattels of the delinquent. Provided always, That uncovered piazzas or platforms and uncovered porches not exceeding eight feet wide including steps and cellar doors, shall not be liable to pay any ground rent; any thing herein contained to the contrary notwithstanding.

X. And be it further Enacted by the authority aforesaid, That no person shall be deemed qualified to act as Commissioners of the town of Fayetteville, unless he is an inhabitant of the said town, and hath a lot of land therein with a house on the same of no less dimensions than twenty-four feet long and sixteen feet wide, with a brick or stone chimney to the same; and every person who is a freeholder in the said town, and every freeman who has resided therein six months and has paid public taxes, shall be qualified to vote for said Commissioners.

XI. And be it further Enacted, That the said Commissioners are hereby fully authorized and particularly required and directed to make such laws and regulations as they may deem necessary, to prevent hogs running at large in the said town, slaves from keeping houses without a license from the Commissioners, and to prevent all persons from dealing with slaves not having tickets from their masters, mistresses or overseers, and to make such other and further laws and regulations respecting the same as they may think expedient. Provided nevertheless, That regulations respecting hogs or other stock, shall not be considered to extend beyond the present limits of the town: And provided also, That the powers hereby committed to the said Commissioners, shall not be construed to extend to the imprisonment of any slave as a punishment, or in any instance to exceed the punishment of thirty-nine lashes. Provided that in all cases where any person shall be dissatisfied with the judgment of the said Commissioners, he shall have the liberty of appealing therefrom to the court of pleas and quarter-sessions for the county of Cumberland.

XII. And be it further Enacted, That all former acts and clauses of acts heretofore passed within the purview and meaning of this act, shall be and the same are hereby repealed and made void.

CHAPTER XXX.

An Act to Empower the Administrators of Samuel Swan, of New Hanover county, Esquire, Deceased, to Sell and Dispose of Part of the Real Estate of the Said Samuel for the Payment of his Debts, in Order to Make the Better Provision for his Family, and also to make Conveyances for such Part of the Real Estate as was Sold by the said Samuel in his Life Time.

Whereas Mildred Swan, widow and administratrix, and Frederick Jones and Archibald Maclaine, administrators of the goods and chattels, rights and credits which were of Samuel Swan, late of New Hanover county, Esq., deceased, have represented to this General Assembly that the said Samuel Swan died indebted in several considerable sums of money, and notwithstanding a large payment made by the administrators since his death and there is still due a sum at least equal to the value of the personal estate: And whereas the said administrators have further represented to the satisfaction of this General Assembly that it was the intention of the said Samuel Swan to sell and dispose of the greatest part of his real estate for the discharge of his debts in order to make the better provision for his family, and that he had in his life time disposed of some part thereof for which conveyances had not been made: In order therefore that the said administrators may be the better enabled to pay off the debts of the estate, and that there may be a productive estate reserved for his widow and children:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the said administrators, the survivors or survivor of them, and they and every of them are hereby enabled and impowered if they shall find it expedient and necessary, to sell and dispose of all and singular the real estate which was of the said Samuel Swan, except the plantation and lands in New Hanover county on which the said Samuel usually resided commonly called the Oak, and to make conveyances for the same to the purchasers thereof, thereby conveying to each purchaser and their heirs respectively by virtue of the powers given by this Act all the right, title, interest, claim and demand whatsoever therein and thereto of which the said Samuel Swan died seized and possessed; and also in like manner to make conveyances for such parts of the real estate as had been sold or agreed to be sold by the said Samuel Swan in his life time, and the monies arising by such sales to be assets in the hands of the said administrators: Provided always, That before any sale shall be made of any part of the real estate of the said Samuel Swan as aforesaid, the said administrators shall give bond with security in double the estimated value of the lands intended to be sold by virtue of this Act, if the security already given for the administration should be adjudged by the court of New Hanover county to be insufficient to cover the real estate, for the true and faithful discharge of the trust reposed in them by this Act.

CHAPTER XXXI.

An Act to Charge the Estate of Honorie Geroud, late of the town of Halifax, Deceased, with the payment of all his Just Debts, and to prefer the same to the Title acquired by this State in the Property which was of the said Geroud in consequence of his Self-murder.

Whereas Honorie Geroud, late of the town of Halifax in this State, in consequence of his self-murder has forfeited to the public all his personal property, whereby his creditors are likely to be deprived of a remedy for the recovery of their just debts:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the administrators of the said Honorie Geroud shall make payment out of his personal property (to be disposed of as the estate of other intestates with respect to the disposal thereof) of all debts, dues and demands justly due and owing from the said Honorie Geroud at the time of his death, and the residue of the said estate shall be distributed to the next of kin to the said Honorie Geroud, agreeable to the laws made and provided for the distribution of the estates of persons dying intestate in other cases.

And whereas such forfeitures can answer no valuable purpose and may distress creditors, innocent relations and orphans:

II. Be it Enacted, That in all cases of suicide or self-murder hereafter happening, administration may be applied for and granted as in the cases of natural and ordinary death, and debts shall be paid and distribution made agreeable to the laws that are or may be made and provided for the management and distribution of the estates of persons dying intestate; and no forfeiture shall be hereafter incurred by suicide or self-murder; any law, usage or custom to the contrary notwithstanding.

CHAPTER XXXII.

An Act to erect the Counties of Richmond, Cumberland, Sampson, Moore and Robinson into one District, and Appointing a Superior Court of Law and Equity to be Held for the said Counties at Fayetteville.

Whereas it hath been made appear to this General Assembly that the county of Richmond of Salisbury district, Cumberland, Sampson, Moore and Robinson of the district of Wilmington, by remaining annexed to those districts respectively subject the inhabitants of the same to much inconvenience by reason of their extreme distance from the superior courts of law and equity of the several districts to which they have respectively belonged, and as it may tend to a more equitable and speedy distribution of justice to the citizens in the counties to be erected into a separate district, to be held at Fayetteville, to which place they are more conveniently situated:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the counties of Richmond, Cumberland, Sampson, Moore and Robinson from and after passing this Act shall be and they are hereby declared to be a separate district by the name of Fayetteville, and the superior courts of law and equity for the said district shall be held twice in every year at the court-house in Fayetteville, the first sitting whereof shall commence on the twentieth day of June in the year one thousand seven hundred and eighty-eight, and the second-sitting shall commence on the twentieth day of De-

cember in the same year, and be so continued by adjournment; and the said court is hereby declared to be vested with the same powers, privileges and authorities and entitled to the same emoluments as the other district courts of law and equity within this State.

II. And be it further Enacted by the authority aforesaid, That the said court shall sit ten days at every session, exclusive of Sundays, if the business depending in said court shall not be sooner finished, and if the days prescribed for the commencement of the terms aforesaid shall fall on Sundays, then shall such term commence on the following day.

III. And be it further Enacted by the authority aforesaid, That the jurors for the court aforesaid shall be furnished from the counties within the district in the following manner, to-wit, Cumberland twelve, Moore six, Richmond six, Sampon six, and Robinson six.

IV. And be it further Enacted by the authority aforesaid, That the respective county courts within the said district of Fayetteville shall name and appoint the number of jurors in this law required, and the said jurors so appointed are directed and requested to attend at the court-house in Fayetteville on the first day appointed by this Act for sitting of said superior court of law and equity; and they are hereby declared to be under the same rules, regulations and penalties as jurors for other district courts of law and equity within this State, and to have the same rights, privileges and emoluments: Provided, That nothing herein contained shall be so construed as to hinder or delay any suit or suits either at law or in equity heretofore commenced or recovered in the superior courts respectively wherein such counties are at present contained, but the same and every process appertaining thereto shall be sued out, prosecuted and finally determined in the same manner as if this law had never been made, and all executions and other process shall be returned by the Sheriff of each county respectively to the court from whence the same issued as by law and custom has been heretofore established.

CHAPTER XXXIII.

An Act to Restore to Hugh Ross, of Anson County, the Land by him forfeited to the State.

Whereas it appears by a resolution of the last Assembly that it was their sense the lands of Hugh Ross by him forfeited to the State should be again restored him:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the land of Hugh Ross of Anson county, by him forfeited to the state in consequence of his attachment to the British arms, be and the same is hereby fully vested in him and his heirs and assigns; any law to the contrary notwithstanding.

II. And be it further Enacted, That in case any of the above mentioned lands have been sold by the Commissioner of confiscated property for the district in which it is situate, then and in that case the said Hugh Ross shall be entitled to the net proceeds thereof out of the public treasury of this state.

CHAPTER XXXIV.

An Act to Appoint a Trustee in the Room of James Sampson, Esquire, Deceased, who together with others was Appointed a Trustee for the Purpose therein mentioned by an Act of Assembly passed at Fayetteville, one thousand seven hundred and eighty-seven, entitled "An Act to Vest in Trustees certain Powers for the benefit of Elizabeth Torrens and her children."

Whereas by an Act of the General Assembly passed at Fayetteville the sixth day of January one thousand seven hundred and eighty-seven, James Kenan, John Molten and James Sampson, Esquires, were appointed trustees for the purposes therein mentioned: And whereas the said James Sampson hath since deceased, whereby the intentions of said act has not had its effect: And whereas the said Elizabeth Torrens is desirous that a proper person should be appointed in the room and stead of the said deceased: In order therefore that the said Act should have its proper effect:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That David Smith be and he is hereby nominated and appointed a trustee in the room and stead of James Sampson, Esquire, deceased, who on complying with the requisites of the said recited act, is hereby declared to have equal powers and authorities with those appointed in and by the said act, and shall be subject to the like restrictions and penalties.

CHAPTER XXXV.

An Act to Emancipate Certain Persons therein mentioned.

Whereas Agerton Willis, late of Bladen county, was in his lifetime possessed of a certain slave called Joseph, and in consideration of the services of him the said Joseph, and the particular obligations he conceived himself under to the said Joseph for his fidelity and attention, did by his last will and testament devise to the said Joseph his freedom and emancipation, and did also give unto the said Joseph a considerable property, both real and personal: And whereas the executor and next of kin to the said Joseph did in pursuance of the said will take counsel thereon, and were well advised that the same could not by any means take effect, but would be of prejudice to the said slave and subject him still as property of the said Agerton Willis; whereupon the said executor and next of kin, together with the heirs of the said Agerton Willis, deceased, did cause a fair and equal distribution of the said estate, as well to do equity and justice in the said case to the said Joseph, as in pursuance of their natural love and affection to the said Agerton, and did resolve on the freedom of the said Joseph and to give an equal proportion of the said estate: Wherefore,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said Joseph shall and is hereby declared to be emancipated and set free; and from henceforward he be called and known by the name of Joseph Willis, by which name he may take, hold, occupy, possess and enjoy to him and his heirs forever, all and singular the property both real and personal so given him by the said distribution of the said executor, heirs and next of kin, and by the said name of Joseph Wil-

lis shall henceforward be entitled to all the rights and privileges of a free person of mixed blood: Provided nevertheless, That this act shall not extend to enable the said Joseph by himself or attorney, or any other person in trust for him, in any manner to commence or prosecute any suit or suits for any other property but such as may be given him by this act or such as he may have acquired by his own industry, but this act may in all such cases be plead in bar, and the property therein given be considered as a full and ample consideration for the final accommodation and settlement of all doubts concerning the freedom and property either real, personal or mixed belonging or in any manner appertaining to the said Joseph.

And whereas it hath been made appear to the satisfaction of this General Assembly that Richard Dobbs Spaight, of Craven county, Esquire, hath consented and is desirous to liberate and set free a certain mulatto girl now his property, called or known by the name of Mary Long:

II. Be it therefore Enacted by the authority aforesaid, That from and after the passing this act the before mentioned mulatto girl called Mary Long, now the property of Richard Dobbs Spaight, Esquire, shall be and continue liberated and set free, and shall thenceforward be entitled to all the rights and privileges of a free person of mixed blood in this State, and by the said name of Mary Long shall and may receive and hold, possess and enjoy any real and personal estate or property which she may hereafter acquire or become possessed of, in the same manner as any other free person of mixed blood might or could acquire, and possess the same to all intents and purposes as if she had been born free.

Whereas it hath been represented to this General Assembly by the memorial of John Allen, a free man of mixed blood, that he hath purchased a mulatto woman named Betty and her child named Mary, which woman he has long lived with and considered as his wife, and praying that the General Assembly would be pleased to emancipate and set free the said mulatto woman and her child:

III. Be it therefore Enacted by the authority aforesaid, That the said mulatto woman named Betty and her child Mary, shall be and they and each of them are hereby emancipated and made free, and they and each of them may hereafter take and use the sirname of Allen, and are hereby declared to be able and capable in law to possess and enjoy every right, privilege and immunity in as full and ample manner as they could or might have done if they had been born free.

CHAPTER XXXVI.

An Act for Ascertaining the true courses of a tract of Land on Neuse River in Craven County.

Whereas it has been represented to the satisfaction of this General Assembly that William Good, Esquire, of the town of New Bern, is at this time (in right of his wife as heir at law of John Rumsay, deceased) in actual possession of and justly entitled to a tract of land on the south side Neuse river about eight miles below New Bern, containing two hundred and seven acres more or less, being one sixth part of fourteen hundred and forty acres of land patented by a certain Thomas Cary in May one thousand seven hundred and six, that the said Cary divided the said lands into six equal parts and sold out the same, that the said six parts have ever since been and now are separately held and possessed by different persons under the grants of the said Thomas Cary: And it further appears that in

the deed for the second division or part of the said land from Cary to Jacob Slaubuck and in all the subsequent grants for said division the courses have been erroneously expressed, so as to run from the river edge eastwardly into the river, instead of westwardly from the river, which would be agreeable to the patent lines and to the courses of the other five grants for the remaining parts of the patent land: And as it appears just and reasonable that the error before mentioned should be so altered and rectified as to include the lands granted as a part of the lands contained in the patent of Thomas Cary aforesaid:

I. Be it therefore Enacted by the General Assembly of the State of North-Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the courses mentioned in the deed granted by Thomas Cary to Jacob Slaubuck for the second division or sixth part of a tract of land on the south side of Neuse river about eight miles below New Bern, being part of his lands patented in May one thousand seven hundred and six, which courses are as follows: Beginning at a sweet gum on the river, thence south twenty east two hundred and eighty pole to a white oak, thence south eighty east one hundred and forty pole to a pine, thence north twenty to a hickory on the river side, thence west to the first station, shall be void, as none of those courses are included in the patent lines, and in place thereof the courses mentioned in the said grant from Thoms Cary to Slaubuck, and the courses in all the subsequent grants for the said second division or one equal sixth part of the lands contained in said Cary's patent shall be held, deemed and taken in law and equity to be as follows, that is to say, Beginning at a sweet gum on the river side William Ives's corner, and running south forty west three hundred and forty poles to a white oak Ives's other corner, then south twenty east to a pine John Fooks's corner, then north forty east three hundred poles along Fooks's line to his corner on the river, and then to the beginning: And the said William Good and all others holding from, by or under him, his heirs or assigns, shall be considered to have and are hereby invested with as good and absolute right and title in fee simple to the said lands as herein before described, as he or they would or could have had or possessed had the errors of the courses in the grant for the same never been made.

CHAPTER XXXVII.

An Act for Promoting the Navigation of Albemarle Sound.

Whereas it appears to the General Assembly, that by opening a navigable passage from Albemarle Sound directly into the ocean at or near Roanoke island, the navigation of this State would be greatly improved, and the consequent value of lands would be encreased especially on the waters that communicate with Albemarle and Pamlico Sounds: And whereas it is represented that many citizens of this State are willing to advance considerable sums of money in promoting this work provided that they shall be incorporated:

I. Be it therefore Enacted by the General Assembly of the State of North-Carolina, and it is hereby Enacted by the authority of the same, That Allen Jones, Whitmill Hill, Hardy Murfree, Jacob Collins, Sen., Nathaniel Allen, Isaac Gregory and Lawrence Baker, be authorized to receive subscriptions for opening a navigable passage from Albemarle Sound into the ocean, and whenever the sum of ten thousand pounds shall have been subscribed, they shall by public notice which is to be given at least four weeks, con-

vene the subscribers at the town of Edenton; and the subscribers being thus convened in person or by proxy or so many of them as shall have subscribed the sum of six thousand pounds, they shall proceed to elect six Directors and a President, who by virtue of his office is also to act and vote as a Director; and such election of officers being made, the subscribers or proprietors shall immediately be, and they are hereby declared to be a body corporate and politic, and as such shall be capable to sue and be sued by and under the name of the Raleigh Company for improving the navigation of Albemarle Sound.

II. And be it Enacted by the authority aforesaid, That the sum subscribed by the several adventurers shall be divided into shares of forty pounds, and no person subscribing a smaller sum shall be considered as a proprietor or entitled to a vote at any meeting of the company, and each subscriber or proprietor shall be allowed one vote for every share by him subscribed or held, and any proprietor may by writing under his hand, and executed before two witnesses, depute any other proprietor to vote as his proxy at any meeting of the company.

III. And be it Enacted, That in case it shall appear to the proprietors at their first general meeting, that a sufficient sum is not subscribed to accomplish the intended navigation, the President and Directors shall be authorized to take in such additional subscription as they may direct before the work is undertaken.

IV. And be it Enacted, That the President shall be chosen annually by the company, but the Directors shall be chosen for the term of three years except that two of those first chosen shall go out by lot at the first annual meeting of the company, and two others of them shall go out by lot at the second annual meeting in such manner that two Directors shall be chosen at every annual meeting, but the company shall be at liberty to re-elect those who go out in course or by lot, and the company at their first general meeting shall fix on a certain day for their annual meetings.

V. And be it Enacted, That the President and Directors or a majority of them shall have authority to employ such person or persons as they may think fit on such terms as they may approve, to open a navigable passage from Albemarle Sound to the ocean, which shall be called Raleigh Inlet, and the same to secure and keep open, and to erect all necessary buildings and to appoint a Treasurer, a Clerk and such other officers, managers or labourers as they may find necessary, whom they may exchange or remove; and they shall settle and pass their accounts and make all necessary bye-laws and rules of proceeding during the intervals between the general meetings of the proprietors, all of which expences shall be paid out of the money subscribed by the proprietors or by other persons, or out of the monies arising from the Inlet: Provided, That the Treasurer shall not be one of the Directors, and that he and every other officer who may have the charge of money shall give security adequate to the trust reposed in them respectively; and that the allowance to be made to the Treasurer and the several Directors shall be fixed from year to year by the proprietors, according to the time that each of them may have been employed in the service of the company: Provided also, That each President and Director before he enters on the duties of his office, shall take an oath or affirmation that he will duly execute the same.

VI. And be it Enacted, That the President and Directors shall conduct the affairs of the company according to such votes and resolves as they or a majority of them shall agree to at their general meetings, and the President and Directors, any three of whom together with the President shall

constitute a board, shall cause a fair journal to be kept of all their proceedings, and an account of all their receipts and expenditures, which they shall lay before the properitors at their general meetings for their approbation.

VII. And be it Enacted, That in case of the death or disability of the President, another shall be chosen by the Directors to supply his place till next general meeting of the proprietors, who at every such meeting shall supply any such vacancies that may happen among the Directors by death, disability or refusing to serve.

VIII. And be it Enacted, That the President and Directors shall be authorized to buy and hold lands for the use of the company to supply them with timber or for other purposes, but in case the person or persons who claim such part of the bank as may appear most proper to be cut for the inlet, or to be occupied for the erection of a light-house or other necessary buildings, shall refuse to sell the same on reasonable terms, or in case the owner is feme covert, non compos, under age or out of the state, it shall be lawful for any two justices in the county on application of the President and Directors, to issue a warrant to the Sheriff of the county to summon a jury of disinterested persons, who shall value such bank or portion of ground upon oath, and the valuation together with a plat of the land shall be returned by the sheriff to the clerk of the county to be recorded; and the appraised value being paid to the owner or his representative, the company shall be seized in fee of such land.

IX. And be it Enacted, That it shall be the duty of each subscriber to make good the several sums or shares by him subscribed at four equal payments, and the President and Directors shall be authorized to call upon them accordingly for the first, second, third and fourth payment as money may be wanted towards compleating the undertaking, similar payments being demanded of each subscriber: But in case any subscriber shall refuse or neglect to make payment during the space of four weeks after such payment shall have been demanded by public advertisement, inserted three several times in the North-Carolina Gazette, then such person neglecting shall be subject to pay the whole sum subscribed, or all the arrears that shall be due at a single payment, and the President and Directors are authorized to sue for and recover the same.

X. And be it Enacted, That it may be lawful for any subscriber or proprietor to transfer any share or shares, by deed executed before two witnesses, and registered after proof of such execution in the books of the company, and not otherwise, except by demise, which devise shall also be exhibited to the President and Directors and entered in the books of the company, before the devisee shall be entitled to draw any part of the profits that may become due to such share or shares; and provided that no transfer shall be made except for one or more whole share or shares, and not for any part of such shares.

And whereas many persons on account of the advantage that each of them must receive from so great an improvement, may be willing to contribute small sums to promote the undertaking without claiming any interest as members of the company:

XI. Be it therefore enacted, That the persons above named shall be authorized to receive subscriptions for any sum or sums below forty pounds, and all such sums being less than a share shall be deemed gratuitous contributions by the subscribers for the general benefit of the company, and as such shall be claimed and received by the President and Directors: And whereas it is fit that the proprietors should receive some compensation for

the great risque as well as trouble and expense they may be at in this undertaking:

XII. Be it therefore enacted, That the navigable inlet which may be formed, together with all the profits that may arise therefrom, shall be and the same is hereby declared to be vested in the subscribers, their heirs and assigns for and during the term of ninety-nine years as tenants in common, in proportion to their respective shares, and the same shall be deemed real estate, and be exempt from the payment of all taxes whatsoever.

XIII. And be it enacted, That it shall be lawful for the President and Directors at all times hereafter to demand and receive a toll of one shilling and six pence by the ton from all vessels that shall pass through the inlet; the tonnage to be determined according to the rules now established by law.

XIV. And be it Enacted, That the President and Directors shall have the exclusive right to authorize pilots to conduct vessels through the inlet on such terms as they may agree; and they shall demand and receive from every vessel passing through their inlet such pilotage as they may think sufficient; provided it does not in any case exceed the rates of pilotage now established by law for vessels going to sea through Occacock inlet.

XV. And be it Enacted, That the President and Directors shall be authorized to erect a beacon or light-house at the inlet, and to establish an office there for the collection of tolls and pilotage; and in case any vessel shall attempt to pass through the inlet without paying, it shall be lawful for any pilot or other officer of the company; to pursue and board such vessel and detain her till the toll and pilotage is paid; and in case of resistance or escape, the vessel shall at any time hereafter be subject to seizure, or the master subject to arrest on an action brought by the President and Directors for such toll and pilotage; and they shall in such case be entitled to recover treble the original sum, with costs of suit. Provided, That any vessel outward bound shall be free from toll, if she has paid toll on her inward passage: Provided also, That no vessel entering by Raleigh inlet, and producing a certificate of the same, shall be required to pay more than half the stakeage that is paid by vessels which enter by Occacock inlet.

XVI. And be it Enacted, That whenever the inlet shall have been compleated, and the necessary buildings erected, a dividend shall be made by order of the company from year to year among the several proprietors according to their respective shares, of the cash that may remain on hand, or the net profits arising to them from the inlet after they shall have made the necessary disbursements, and retained in hands such sum as may appear sufficient for incidental repairs.

CAPTER XXXVIII.

An Act to Erect and Establish a Town in Rutherford County on the land Already Procured by the Commissioners for the purpose of Building a Court-house, Prison and Stocks for the said County, and to Amend an Act to regulate the Town of Salisbury, and for Authorizing the Commissioners in the town of Halifax to levy a Tax on the Slaves within the Liberties Thereof.

Whereas the establishing and erecting a town in the county of Rutherford on the land already procured as aforesaid, would be of great advantage to

the inhabitants and be a considerable means of raising money for building the public buildings of said county:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Felix Walker, William Nevill, James Whiteside, James Miller and Thomas Rowland, or a majority of them, be and they are hereby appointed Commissioners to erect and lay off a town in Rutherford county, on the land heretofore procured for erecting thereon the public buildings of said county, and they are hereby authorized and empowered to lay out the aforesaid fifty acres of land into a town of half acre lots with proper streets and alleys, which town when so laid off shall be called and known by the name of Rutherford.

II. And be it further Enacted, That when the town is so laid off, the Commissioners or a majority of them shall reserve two of the said lots, which to them shall appear most convenient, for the purpose of erecting the public buildings thereon; and the remaining lots shall be sold by the said Commissioners or a majority of them for the purpose of raising money for compleating the aforesaid public buildings, and the said Commissioners or a majority of them are hereby authorized to make good and sufficient titles in fee simple to the respective purchasers of the said lots.

III. And be it further Enacted, That if any of the Commissioners hereby appointed should refuse to act, die or remove out of the county, the surviving Commissioners shall be and they are hereby empowered to elect another in the room of him or them so refusing, dying or removing.

Whereas frequent disputes have arisen and may arise in the town of Salisbury, concerning the property and boundary of lots: For remedy thereof,

IV. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That in all cases of controversy concerning lines of the boundaries of lots, it shall be in the power of the Commissioners of the town, together with twelve freeholders living in the said town, whom the Magistrate of Police shall summon for that purpose, to determine such dispute so far as the lines may be in question; and in cases where the original corner or corners of a square may be ascertained by old plats or surveys the Commissioners and jury shall be determined by the same, and the intermediate loss or gain (when the sides of the square shall appear to be too short or too long from any change that may have happened in the level or surface of the ground) shall be equally divided among the several proprietors of lots in that square, and all expences of such survey shall be equally borne by such proprietors.

V. And be it further Enacted, That in cases where encroachments have been made upon any lot or part of lots, by buildings which have been erected through ignorance of the true boundary, the party encroached upon shall not be at liberty to bring suit by ejectment in the first instance, but on application to the Commissioners they shall order a jury of the freeholders of said town to be summoned, which jury and commissioners, together with a sworn surveyor shall measure and value the ground thus encroached upon, and the offending party upon paying the cost of such survey to be assessed by the Commissioners, together with the whole amount of the valuation money of such covered ground within the space of thirty days from the time of the process to the party offended, or to the Treasurer of the town, and obtaining a receipt for the same, shall be vested in a clear and absolute title to such covered ground forever; but in case the valuation money should not be paid by the party trespassing agreeable to the orders

of the Commissioners, the process shall be considered of no effect, the party trespassing shall pay the costs of said process, and be further liable to a suit by ejectment; any thing in this act to the contrary notwithstanding.

VI. And be it further Enacted, That the Commissioners of the town of Salisbury shall have authority to appoint a surveyor for said town and to fix his fees, and to determine what allowances if any shall be made to jurors who may be employed in settling disputes respecting the boundaries of lots, or any other business they may be summoned to perform under this Act, and by whom such fees and allowances shall be paid; and the said Commissioners or a majority of them shall have power and authority to appoint an Entry-taker for such lots as have not heretofore been conveyed by the Trustees of said town, fix the price of such vacant lots, establish the fees of the Entry-taker, and make such other rules and regulations respecting the same, as to them or a majority of them shall seem necessary.

VII. And be it further Enacted, That it shall and may be lawful for any person to enter a caveat against any entry that may be made with the said Entry-taker, provided the same be done within three months after such entry may have been made, and the person entering such caveat shall have his claim determined by a jury of twelve freeholders living in said town before the Commissioners, and the decision thus had shall be deemed final, and a title signed by the Commissioners shall issue agreeably to the verdict of the jury within ten days after such decision shall have been made.

VIII. And be it further Enacted, That a fair record shall be kept of all proceedings, and every transaction touching the premises; and any matter of controversy which may arise under the laws of said town shall be entered at large on the journals of the Commissioners, and the same may be given in evidence in any court of record in this State.

IX. And be it further Enacted by the authority aforesaid, That the Commissioners of the town of Halifax be and they are hereby authorized, to lay and levy the same tax on each negro slave within the liberties of the said town, that they are authorized by law to levy and collect for a negro slave within the said town.

CHAPTER XXXIX.

An Act to Prevent the Obstructing of Fish from Running up the Streams and Water Courses in Bertie County, and to clear the Navigation thereof.

Whereas many persons inhabitants of Bertie county make a practice of setting wares and hedges across the streams and water courses in the said county, by means of which the fish in the spring of the year are prevented from running up, which hath frequently prevented the people from catching fish at the different places where they have been usually caught ever since the first settlement of the said county, whereby many of the inhabitants of said county are greatly injured:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this act it shall not be lawful for any person or persons to make or set any ware or hedge, or cause the same to be done in any stream or water course in the said county when the fish usually run up in the spring of the year, or by any other ways or means stop the fish from running up any of the said streams or water courses during the fishing season; and any person or persons so hereafter offending shall for-

feit and pay for every such offence the sum of ten pounds specie, to be recovered before any magistrate of the said county, one half of which shall be paid to the overseers of the poor of the said county and the other half to the informer.

And whereas many of the water courses of said county by a little labour may be made navigable for small boats a considerable distance higher up tnan they now are:

II. Be it Enacted by the authority aforesaid, That from and after the passing of this act the county court of pleas and quarter-sessions of said county shall and they are hereby empowered and authorized to appoint a company of men within certain districts by them to be described, limited and laid off in such manner as they shall think convenient, with an overseer over each company, who shall be directed to clear and keep open all such streams and water courses as far up as they can be conveniently made navigable for small boats and vessels, and that the said overseer with the men so appointed to work under him shall clear and open the same, and after the said streams and water courses shall be so opened and cleared, the said overseer or overseers and the persons who shall be so appointed to work under him or them, work on and keep clear and open the same so far as his district shall extend at least four days in every year ensuing; and every overseer who shall fail or neglect to keep open and clear such stream and water course so far as his district shall extend, shall forfeit and pay the sum of ten pounds; and every person who shall be appointed by the said court to work on and open and clear such stream or water course under such overseer, who shall fail or neglect to appear and work thereon after being given one day's previous notice by such overseer of the time and place of working, shall forfeit and pay the sum of ten shillings for each and every day he shall so fail or neglect, to be recovered before any Justice of the Peace of the said county, and applied towards hiring some other person or persons to work on the said stream or water course in the room of such delinquent.

III. And be it further Enacted by the authority aforesaid, That the overseer and such person or persons who shall be appointed to work under him within his or their respective districts, shall and they are hereby exempted and cleared from working on any public road or roads within the said county so long as he or they continue within the district of any or either of the said overseers, or so long as he or they shall be liable to work on any of the said streams or water courses within any of such districts in the said county; any law to the contrary notwithstanding.

CHAPTER XL.

An Act to amend an Act, entitled "An Act to keep Open Roanoke river for the Passage of fish up the same, and other Purposes therein mentioned."

Whereas by the afore recited Act doubts have arisen concerning the fourth of the said river which by said act is to be left open for the passage of fish, where one or more islands lie in the said river: For remedy whereof and to clear up all doubts,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That in measuring the width of the river where an island or islands may intervene, the intent and meaning of the General Assembly is hereby declared to direct all and every person or persons measuring the same, to take the width

of the whole river including islands, then deducting the width of the island or islands, to leave one eight of the said remainder open in the center of the river at that place.

And whereas many of the stands, stops and dams erected in the said river are constructed, built and set up by people from Virginia, and others having no property, and not owning land on the river or in and among the islands, by which means stops and dams are erected contrary to the meaning of said law, and no precept can be served on those incurring the penalty, or if served no penalty can be got: For remedy whereof,

II. Be it Enacted by the authority aforesaid, That all persons owning the place or places, island, rocks or falls where such stand or stands may or shall be erected, shall be answerable for keeping open the river agreeable to this Act.

III. And be it further Enacted by the authority aforesaid, That all and every person owning land on said river, at and against and contiguous to any rocks or islands not yet entered and taken up, shall have the privilege and liberty of taking up the same, agreeable to the laws for taking up land now in force; provided they enter and take up such islands, rocks and stands within six months after this session of the Assembly; and if not entered or taken up by that time, it shall and may be lawful for any person whatsoever to enter and take up the same, any law to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That every person offending against this act shall forfeit and pay forty shillings for every twenty-four hours he, she or they may build, keep up or maintain any stop, dam, ware or stand, to be recovered by warrant before a Justice of the Peace by any person suing for the same; and the county courts of Northampton, Warren and Halifax, are hereby required and enjoined to appoint an overseer or overseers to examine the falls in their several counties, and to lay off the river agreeable to this act; and so much of the afore recited act as comes within the purview of this act, is hereby repealed.

CHAPTER XLI.

An Act to Remove all Obstruction to the Passage of Fish up the Neuse river.

Whereas it is represented to this General Assembly that the free passage of fish up the Neuse river, is prevented by a mill dam erected on said river by Messrs. Thomas Tomlinson and Woodson Daniel:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Richard Benchan, Richard Banks, John Comer Peek, Charles Horton and James Alston, or any three of them, be and they are hereby authorized and required to cause such gap or slope to be made in said dam, not exceeding eight feet in width, as may to them appear sufficient for the free passage of fish, to be compleated and effected on or before the twentieth day of February, one thousand seven hundred and eighty nine; which said gap or slope shall be kept open from the said twentieth day of February until the first day of May annually, under the penalty of five pounds for every twenty-four hours that the said slope or gap shall not be open, to be recovered by warrant before any Justice of the Peace, one half to the use of the informer suing for the same, the other half for the use of the poor in the county of Wake.

II. And be it further Enacted by the authority aforesaid, That every per-

son or persons who have erected or built any ware, dam or stoppage across the river aforesaid, shall destroy or remove so much thereof on or before the twentieth day of February next after the passing of this, as to leave one-third part of the river open for the passage of fish, and on failure or neglect shall be subject to the same pains and penalties, and the same recoveries may be had as is herein before imposed; any law, usage or custom to the contrary notwithstanding.

CHAPTER XLII.

An Act for Altering the Names of Certain Persons therein Mentioned.

Whereas it is the earnest request of William Speight that the name of Jesse Hay, of Dobbs county, should be altered to that of Jesse Speight, and the desire of Richard Ransom that the names of Robert Porthress and Benjamin Clevers Porthress of Franklin county should be altered to Robert Ransom and Benjamin Clevers Ransom, and the desire of William Hunt that the name of William Bonner of Franklin county be altered to that of William Hunt, to confirm the name of William Ashley of Robinson county, and the name of Jesse Commauder of Onslow county to that of Jesse Clagg:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the name of Jesse Hay shall be altered to the name of Jesse Speight, the names of Robert Porthress and Benjamin Clevers Porthress shall be altered to the names of Robert Ransom and Benjamin Clevers Ransom, also the name of William Bonner to the name of William Hunt, and the name of William Ashley of Robinson county be confirmed, and the name of Jesse Commauder to that of Jesse Clagg, and that they and each of them shall thenceforth be called and known by the said names respectively, and that by the said names respectively they shall and may sue and be sued, plead and be impleaded in any court of law or equity, and obtain and possess lands and all other species of property by will, devise, donation, grant, purchase or otherwise; and they may each by their respective names aforesaid sell and dispose of lands and other property already or hereafter to be acquired, and finally and in all things the said persons respectively shall be able and capable in law or equity of negociating and transacting all manner of business by their respective names herein before mentioned in as full and ample manner, as if they had been called and known by no other names from the time of their nativity; any law, custom or usage to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the courts of pleas and quarter sessions in the several counties in this state shall have full power and authority, on the application of the reputed father, mother or guardian of any natural child, to give such name to such child as the said mother, father or guardian shall require, and to cause such name to be entered on record, and such child shall forever thereafter be called and known by such sirname, and shall be able and capable in law or equity of negociating and transacting all manner of business by such name, in as full and ample manner as any other person or persons whatsoever.

CHAPTER XLIII.

An Act Empowering the Court of Pitt County to Establish a Free Ferry Over Tar River at the Town of Greenville, and to Levy a Tax on the Inhabitants of Said County for That Purpose.

Whereas it would be agreeable, convenient and necessary for the inhabitants of Pitt county, that a free ferry be established and kept over Tar river, opposite to the town of Greenville:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after passing this Act, the justices of the court of Pitt county, or a majority of said court at any time when met, shall have full power, and they are hereby authorised by order of such court, to establish a free ferry over Tar river opposite to the town of Greenville, and to let the same for any term not exceding twelve months at any one time to the lowest bidder, or to employ or agree with some proper person to take charge of said ferry for one year at some stipulated price, taking bonds with approved security of such person or persons, conditioned that he, she or they shall duly and faithfully attend the said ferry, and without delay set over ferry free all and every the inhabitants of the said county of Pitt, or all others if the said court shall see proper to order it so, with their horses, carts and effects, at all seasonable times during said term; and if said courts shall think proper that all persons residing out of said county, shall pay ferriage on crossing said ferry, his bond shall also be conditional that he do the duty of a good and faithful ferryman, in conveying across said ferry any person or persons not inhabitants of said county of Pitt, with their horses, waggons, carts and all effects whatever, for such fees or allowances as are or shall be established by said county court.

II. And be it further Enacted by the authority aforesaid, That the court of Pitt county are hereby empowered to lay a tax on the inhabitants of said county annually for the purpose aforesaid, not exceeding the sum of six pence on every poll, six pence on every hundred pounds value of town property and two pence on every hundred acres of land, to be collected and accounted for as other county monies, and applied for support of such free ferry as the court may direct. Provided always, That the court of said county shall have power to continue or discontinue the establishment of the said free ferry, either free for the inhabitants or otherwise, from time to time, as they may find the same most convenient and satisfactory to the inhabitants of the said county of Pitt.

CHAPTER XLIV.

An Act to Empower the Wardens of the Poor for the County of Currituck to Lay a Tax to Enable Them to Settle the Arrears Due From the Said County to Persons Who Have Supported the Poor, and for Electing Wardens of the Poor in the Several Counties Within This State Where No Such Have Been Elected Agreeable to Law.

Whereas the tax heretofore by law laid hath not been sufficient to support the poor in the county aforesaid:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a tax not exceeding two shillings shall be laid on each taxable person,

and also a tax not exceeding eight pence on every hundred acres of land, which said tax the wardens of the poor are hereby empowered to receive and account for agreeable to law in such case heretofore made and provided.

II. And be it Enacted by the authority of the same, That this Act shall be and continue in force for and during the term of two years and no longer.

And whereas it appears to this General Assembly that a number of counties within this State have not elected wardens of the poor agreeable to law, whereby a great number of the poor are now suffering: For remedy whereof,

III. Be it Enacted by the authority aforesaid, That where there shall be any county within this State, through omission shall have no wardens legally elected and qualified, that the sheriff of such county at any time when it may be necessary, shall summon the inhabitants of such county to elect and choose seven good and sufficient freeholders to act as wardens of the poor, and such wardens so elected shall qualify themselves agreeable to law, and when so qualified shall be under the same rules, regulations and restrictions as those heretofore qualified according to law; and they are hereby authorised and required to call on all former wardens for such balances as may appear to be due from them, on account of the money by them received and collected for the use of the poor.

CHAPTER XLV.

An Act to Empower the County Courts of Pleas and Quarter Sessions in the County of Perquimans, to Lay a Tax for the Purpose of Repairing the Prison, and Building a Gaoler's House in the County Aforesaid.

Whereas some ill disposed person or persons having by fire nearly consumed the prison in the county of Perquimans, and the taxes heretofore collected or ordered to be collected by the said county court is insufficient for the purposes aforesaid:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the court of the county aforesaid shall have full power, and they are hereby authorised and required at the first court after the passing of this Act, to lay on the inhabitants within their county a tax of one shilling current money on every poll, and four pence on every hundred acres of land, and one shilling on every hundred pounds value of town lots with their improvements, for the purpose of repairing the said prison and building a gaoler's house, or in some manner to provide for the security of prisoners as the court shall direct; which said tax shall be collected for the years one thousand seven hundred and eighty-seven and one thousand seven hundred and eighty-eight, and accounted for at the same time and by the same persons who shall be appointed to collect the public tax; and the said tax when collected shall be paid into the hands of such person or persons as the said court shall direct, which person or persons so nominated shall be accountable to the said court for all such monies as he or they shall receive by virtue of this Act.

II. And be it further Enacted, That in case there should be any money left after compleating the buildings aforesaid, that the overplus shall go towards the repairing the court house in the said county.

CHAPTER XLVI.

An Act for Levying a Tax in the County of Brunswick for the Purpose of Building a Gaol Therein.

Whereas the gaol of the said county of Brunswick hath been destroyed by fire:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a tax of six-pence shall be laid and levied on each and every hundred acres of land in said county, and one shilling and six-pence on every poll, therein, and one shilling and six-pence on every hundred pounds value of town property within the same for the purpose aforesaid, which monies shall be levied and collected in the same manner and at the same time the public taxes laid by the present General Asembly are levied and collected.

II. And be it further Enacted by the authority aforesaid, That Dennis Hawkins, Thomas Russ and Alexius Mador Foster, Esquires, be and they are hereby appointed commissioners for building the said gaol, and the sheriff of the said county shall account with them and pay into their hands the monies collected for the purpose aforesaid, under the same penalties and restrictions as for public taxes, and shall be allowed in the settlement of his accounts.

CHAPTER XLVII.

An Act Appointing Commissioners to Repair the Court House, Prison and Stocks in the Town of Hillsborough for the District of Hillsborough, and to Levy a Tax on the Inhabitants Thereof, for the Benefit, Use and Reparation of the Streets of the Town Aforesaid.

Whereas the court house in the town of Hillsborough from the neglect or refusal to act of former commissioners is in a ruinous situation: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That John Taylor, William M'Cauley, Joel Lane, Jeduthan Harper, Thomas Person, Ambrose Ramsey and Robert Dickens, Esquires, be and they are hereby appointed commissioners, and they or a majority of them are hereby required to agree and contract with workmen within three months after the passing of this Act to repair said court house and prison, and make such alterations therein as they may think necessary and expedient for the better and more easy finishing the same, and also to erect a stocks and pillory on the public lot within the town aforesaid; and the commissioners heretofore appointed shall previous to entering on the execution of the trust hereby reposed in them enter into a bond with the chairman of the county court of Orange, conditioned that they shall faithfully account for all monies which they may receive for the purpose aforesaid by virtue of the authority hereby given them.

II. And be it Enacted by the authority aforesaid, That the several sheriffs and collectors who may have received the tax heretofore assessed in the district of Hillsborough for the purposes of repairing the said public buildings, and also the commisioners appointed in the several laws heretofore made for the express purpose of repairing said buildings, pay into the hands of the commissioners appointed by this Act all such sum or sums of money as they may have collected by virtue of the several assessments,

Acts or the authority to them given as commissioners aforesaid for the purpose of repairing said court house, prison and stocks.

III. And be it further Enacted by the authority aforesaid, That in case any of the said sheriffs, collectors or commissioners shall fail or refuse to pay the monies by them so collected or received into the hands of the commissioners hereby appointed, within three months from the passing of this Act, then it shall and may be lawful for the aforesaid commissioners or any one of them, and they are hereby authorised and required to enter up judgment against the sheriffs, collectors or commissioners heretofore appointed, for such sum or sums as they may or any of them may so detain or refuse to pay, together with the costs of suit so commenced for the recovery thereof, in the same manner as is by law directed for the payment of public taxes.

IV. And be it further Enacted by the authority aforesaid, That in case the money heretofore collected should be more than sufficient to finish said repairs, the county court of Orange shall have it in their power to apply it towards paying any future or other repairs of said court house, prison and stocks as they shall find necessary and expedient.

V. And be it further Enacted by the authority aforesaid, That every hundred pounds taxable property in the town of Hillsborough, shall annually pay such sum not exceeding five shillings as the commissioners shall direct, to be collected and paid into the hands of the town commissioners for the time being, in the same manner as taxes for the town aforesaid are collected and paid, and by the said commissioners to be applied for the benefit, use and reparation of the streets of said town; any law, usage or custom to the contrary notwithstanding.

VI. And be it further Enacted by the authority aforesaid, That all Acts and clauses of Acts heretofore made which comes within the purview of this Act, as far as it relates to the commissioners for repairing the public buildings in the town of Hillsborough are hereby repealed and made void.

CHAPTER XLVIII.

An Act for Levying a Further Tax in the Several Counties in Morgan District to Defray the Remaining Expence of Building a Court House, Prison and Stocks in Said District, and Also to Levy a Further Tax in the County of Mecklenburgh to Defray the Expence of the Public Buildings in Said County.

Whereas it is represented to this General Assembly that the money arising from the tax heretofore laid on the counties in the district of Morgan for the purpose of building a court-house, prison and stocks in the said district has proved insufficient to compleat said buildings: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a tax of one shilling and six pence on every poll, and a tax of six pence on every hundred acres of land, and a tax of one shilling and six pence on every hundred pounds value of town property in the county of Burke and a tax of six pence on every poll, and a tax of two pence on every hundred acres of land, and a tax of six pence on every hundred pounds value of town lots in the counties of Lincoln, Rutherford and Wilkes, shall be collected in each county to defray the remaining expence of the public buildings in said district, and the sheriffs or collectors of the several counties aforesaid are

hereby required to collect the same and pay it into the hands of the commissioners, under the like penalties and restrictions as are or may be directed for collecting, accounting for and paying other public taxes.

II. And be it further Enacted, That the sheriffs or collectors shall collect the tax for the first year at the time they shall collect the public taxes for the year one thousand seven hundred and eighty-seven, and shall pay the same into the hands of the commissioners on or before the first day of September next, and the second year's taxes shall be collected and paid into the hands of the commissioners on or before the first day of September following.

III. And be it further Enacted by the authority aforesaid, That in case any surplus money should arise after compleating said buildings, it shall be returned to each county in proportion to the sums they paid to defray the county expenditures.

IV. And be it further Enacted by the authority aforesaid, That an additional tax of one shilling and three pence on every poll and one shilling and three pence on every three hundred acres of land and each hundred pounds value of town property, be levied in the county of Mecklenburgh for the term of two years, for the purpose of repairing the public buildings thereof.

CHAPTER XLIX.

An Act for Establishing a Town in the County of Hyde, On the Land of Joseph Gibbs.

Whereas it hath been represented to this Assembly that the establishment of a town on the lands of Joseph Gibbs, in the county of Hyde, would be conducive of public utility, and the said Joseph Gibbs having signified his consent to have sixty acres of the said land laid off for that purpose:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said sixty acres of land be laid off in half acre lots and streets accordingly, and the same are hereby constituted and established a town, and shall be called by the name of Middletown.

II. And be it further Enacted, That from and after the passing of this Act, that Joseph Gibbs, William Spencer and Abraham Jones, be and they and every of them are constituted commissioners and trustees for designing, building and carrying on the said town; and they shall stand seized in an indefeasible estate in fee simple in the said sixty acres of land as aforesaid to and for the uses, intents and purposes hereby declared.

III. Be it further Enacted, That the said commissioners or a majority of them shall appoint a time, and give public notice thereof for meeting the subscribers on the said land, for determining the property of each particular lot, which shall be drawn by ballot in a fair manner by direction and in presence of a majority of the said commissioners at least; and each subscriber shall be entitled to the lot or lots which shall happen to be drawn for him and correspond with the number contained in the aforesaid plan of the said town; and the said commissioners or a majority of them shall make and execute deeds for granting and conveying the said lots contained in the said town to the respective subscribers for the same, their heirs and assigns forever, and also to all and every other person and persons who shall purchase any other lot or lots in the said town, at the proper cost and charges of the said grantee or grantees to whom the same shall be

conveyed; and any person claiming any lot or lots in the said town by virtue of such conveyance, shall and may hold and enjoy the same in fee simple.

IV. And be it further Enacted, That the respective subscribers for the said lots, shall within six months after it shall be ascertained to whom each of the said lots doth belong, in manner herein before mentioned, pay and satisfy to the said commissioners, the sum of five pounds for each lot by them subscribed for; and in case of the refusal or neglect of any subscriber to pay the said sum, the said commissioners shall and may commence a suit for the same in their own names, and therein shall recover judgment with cost.

V. And be it further Enacted, That if any of the commissioners hereby appointed should refuse to act, die or remove out of the county, the surviving commissioners shall be and they are hereby empowered to elect another in the room of him so refusing, dying or removing, which said commissioner or commissioners so appointed shall from thenceforth have the same power and authority in all things concerning the matter herein contained, as if he had been expressly nominated and appointed by this Act.

CHAPTER L.

An Act to Enable William Nall, Sheriff of Wilkes county, to collect all Taxes due from said County for the year one thousand seven hundred and eighty-five and the year one thousand seven hundred and eighty-six, and to Allow him further time to settle for his collection with the Treasurer; and also for giving a further time to John May, Sheriff of Rockingham, to collect the arrearages of his sinking fund and Continental Tax in said county.

Whereas William Nall, Esquire, was chosen Sheriff of the county of Wilkes in the year of our Lord one thousand seven hundred and eighty-six, and doubts having arisen whether the said Nall had a right to collect the tax commonly called the continental tax which by law became due and payable the preceding year, although the said William Nall hath given bond and security for the collection and payment of the aforesaid taxes:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That William Nall, Sheriff of Wilkes county, be and he is hereby authorized and required to demand and recover of the several Collectors in the county of Wilkes aforesaid, that have given bond and security for the collection of public taxes for the year one thousand seven hundred and eighty-five, all such taxes on the inhabitants of their several districts as they were by law required to collect and account for with the Sheriff then in office: Provided nevertheless, That the several Collectors above mentioned shall have power to collect the aforesaid taxes from the inhabitants of their respective districts in the same manner as they are authorized and directed to collect other public taxes, and be entitled to the same fees and commissions for collecting and accounting for the same: Provided also, That the Collectors aforesaid shall be allowed till the first day of July next to collect and account for the taxes above mentioned.

II. And be it further Enacted by the authority aforesaid, That where any Collector hath neglected or refused to give bond and security according to law for the collection and accounting for the public taxes in the district

for which he was appointed, the aforesaid William Nall is hereby authorized and required to collect and account for the said taxes in the same manner and under the same rules, regulations and restrictions as by law the Collectors are authorized and required to collect the above mentioned taxes, and shall be entitled to the same fees and commissions that the Collectors are by law entitled to receive, exclusive of his commissions as county Treasurer.

And whereas the several Collectors in the county aforesaid, not knowing the law passed at New Bern in the year one thousand seven hundred and eighty-five, entitled "An Act for emitting one hundred thousand pounds paper currency for the purposes therein expressed," have omitted the collection of the tax laid by said Act for a sinking fund:

III. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That William Nall, Sheriff, and the several Collectors of public taxes in the county of Wilkes aforesaid, be and they are hereby authorized and required to collect and account for the said sinking fund tax in the same manner and under the same rules, regulations and restrictions, and be entitled to the same fees and commissions as by this Act they are authorized, required and entitled to in and for the collections of the tax commonly called the continental tax.

And whereas several of the Justices in the county aforesaid have omitted to return the Collector's bonds for recoveries thereupon to be had:

IV. Be it further Enacted by the authority aforesaid, That William Nall, Sheriff of Wilkes county, be allowed until the first day of August next to settle for the public taxes due from said county for the year one thousand seven hundred and eighty-five, and the year one thousand seven hundred and eighty-six with the Treasurer of this State, and in the mean time the Treasurer, shall forbear to commence any action or actions for said taxes against him the said William Nall; any law, custom or usage to the contrary notwithstanding.

And whereas John May, Sheriff of Rockingham county, through mistake of the Clerk in making out the amount of taxes hath not collected the tax called the continental tax for the year one thousand seven hundred and eighty-five, which had not been collected, nor the sinking fund tax for the year one thousand seven hundred and eighty-six:

V. Be it therefore Enacted by the authority aforesaid, That the Collectors in said county be allowed until the first day of July next to collect the said taxes and account with the Sheriff for the same, and that the said John May be allowed until the first day of August next to settle with the Treasurer of the state for the aforesaid taxes, and in the mean time the Treasurer shall forbear to commence any action for said taxes against him said John May; any law, custom or usage to the contrary notwithstanding.

CHAPTER LI.

An Act for altering the Times for Holding the County Courts of Edgecombe, Halifax and Pitt.

Whereas the time heretofore by law appointed for holding the county courts of pleas and quarter-sessions of Edgecombe county is found inconvenient, by reason of the superior courts of Halifax district interfering therewith:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That

from and after the next court to be held for the said county of Edgecombe the said courts shall be held on the following days, to-wit, the first Mondays in May, August, November and February, and that every process and recognizance returnable to the said court, shall be returnable on the days by this Act appointed; and all causes depending in the said court shall stand continued to the same days; any law to the contrary notwithstanding.

And whereas by the alterations of the county courts of Edgecombe it becomes absolutely necessary that the neighbouring courts of Halifax and Pitt counties should be altered from the days on which by law they are now appointed.

II. Be it therefore Enacted by the authority aforesaid, That from and after the next courts to be held for the said counties of Halifax and Pitt, the courts of pleas and quarter sessions for the said counties shall be held on the following days, to-wit, for Halifax county on the third Mondays in May, August, November and February, and in Pitt county on the fourth Mondays in April, July, October and January, and that every process and recognizance returnable to the said courts respectively, shall be returnable on the days by this Act appointed; any law to the contrary notwithstanding.

CHAPTER LII.

An Act for establishing two places in the County of New Hanover for the Purpose of Holding General Musters therein, for Dividing the Militia of said county into two districts suitable and convenient for the inhabitants to attend muster at the respective places, and for appointing the place of holding courts-martial in said County.

Whereas it has been found by experience that any one place which might be fixed on the county of New Hanover in this State would be very disagreeable and convenient to many inhabitants being or residing in other the remote parts of the said county; and in order to reconcile that disadvantage to the inhabitants thereof:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the county of New Hanover shall be divided into two districts; the lower or southern district shall consist of the three companies already formed in and near Wilmington, that is to say, the artillery commanded at present by Captain Huske, the horse by Captain Green and the company of foot by Captain Wright, also the respective companies which are or may be formed on New-Topsail, the upper and lower sound companies, to-wit, those of foot under command of Captains Ward and Rutledge, or others which may hereafter be established within the compass aforesaid; that the place hereby established for holding general musters for the lower division or southern district heretofore described, shall be at the town of Wilmington; that the place of holding general musters of the remainder or residue of inhabitants of said county the upper or northward district, shall be at the plantation of William Jones on Long-Creek; the militia of the whole county aforesaid, the lower as well as the upper district, shall nevertheless each hold their general muster in the respective districts and places as by this Act described and appointed, and on the same day or days as are already fixed by law for the purpose of holding general musters of the county aforesaid.

II. And be it further Enacted by the authority aforesaid, That the Colonel or commanding officer of said county is hereby directed and required here-

after to have the inhabitants warned to attend, accoutred as usual, at the two aforementioned places respectively; and it is hereby further required that the Colonel or commanding officer of said county attend at either of the musters heretofore mentioned to review the same under exercise, and that he appoint or direct the Lieutenant-Colonel, Major or other officer next in command, as the case may be, to give attendance at the muster of the other district in said county, for the purpose of disciplining the men.

III. And be it further Enacted, That the place of holding courts-martial for the said county shall and is hereby declared to be at the Northeast-Bridge, at which place the said court shall sit in usual form, and delinquents shall appear from each district aforementioned in order for trial.

IV. And be it further Enacted by the authority aforesaid, That all former Acts or parts of Acts, sections or clauses respecting the place or places of holding general musters of courts-martial in the county of New Hanover, be and they are hereby repealed and made void.

CHAPTER LIII.

An Act granting to the Inhabitants living on the South-east side of Mecklenburgh county a privilege of holding a Separate Election for members of Assembly, and to repeal an Act, entitled "An Act for removing the public buildings of Mecklenburgh county from Charlotte to the Centre of said county."

Whereas the south-east part of Mecklenburgh is at so great a distance from Charlotte that it is rendered very inconvenient and burthensome for the people in that quarter to attend and give their suffrages at the court-house for members to represent them in the General Assembly:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for the Sheriff of Mecklenburgh or his proper deputy, and he is hereby authorized and required to open an election at the house of Francis M'Call on the day preceding the time prescribed for holding the annual elections in this state, and receive ballots of the persons entitled to vote in the said county living on the south east side of M'Caulpen's Creek, under the rules and regulations for holding elections in this state so far as the same includes the persons living within the bounds of the companies commanded by Captains Walker, Porter, Ray and Flinikin, and the ballots so taken shall be sealed up and transmitted to the court-house under the direction of the Sheriff or his deputy; which ballots so taken shall and are hereby declared to be part of the election of the said county; any thing to the contrary notwithstanding: Provided, That nothing herein contained shall deprive any person living within the bounds before prescribed to give in his suffrage at the court-house in said county.

And whereas provision is made for removing the public buildings of Mecklenburgh county from the town of Charlotte by an Act passed at New Bern in the year one thousand seven hundred and eighty-four, entitled "An Act for removing the public buildings of Mecklenburgh county from Charlotte to the centre of said county," and as the same must be attended with a very considerable expence, and contrary to the wish of a very great majority of the people:

II. Be it Enacted by the authority aforesaid, That the said Act and every part of the same be and it is hereby declared to be repealed.

CHAPTER LIV.

An Act empowering the Commissioners therein mentioned to build a Gaol in the County of Anson to levy a tax to defray the Expences thereof and to change the name of Newton in said county to that of Wadesborough.

Whereas it hath been represented to the General Assembly that the public gaol in the county of Anson hath been reduced by fire, and that the want thereof is much to the injury of public justice and the disadvantage of the good citizens thereof:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Theodorick Webb, James Marshal, Jonathan Jackson and Stephen Pace, Esquires, or any three of them, be and they are hereby appointed Commissioners, and are authorized and empowered to contract and agree with workmen to rebuild a prison for the county of Anson on some one of the lots adjoining to the court-house.

II. And be it further Enacted, That a tax not exceeding two shillings on every poll and eight pence on every hundred acres of land, and a tax of twenty shillings on every improved lot and of four shillings on every unimproved lot in the town of Wadesborough shall be laid for three years next succeeding the passing of this Act, on the polls and taxable property in the said county for the purpose aforesaid, which shall be collected and accounted for in the same manner as public taxes.

III. And be it further Enacted by the authority aforesaid, That the Commissioners herein named or a majority of them shall have full power and authority to demand, sue for, recover and receive of and from the Sheriff and Collectors, or any other person in whose hands the same may be, all and every sum and sums which may be collected as a tax for the purpose aforesaid, for which the Sheriff or Collectors or any of them may be liable; and in case of failure or neglect in passing the said money to the Commissioners herein named, such Sheriff, Collector or other person so failing or neglecting, shall be liable to the same penalties, and the same mode of recovery may be had against them, as by law should or might have been had against Sheriffs who refuse or neglect to account for and pay public taxes.

IV. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act the town of Newton in the said county of Anson shall be known by the name of Wadesborough.

V. And be it further Enacted by the authority aforesaid, That all laws and clauses of laws coming within the purview hereof are hereby declared void.

CHAPTER LV.

An Act to extend an Act passed at New Bern the twenty-ninth day of December one thousand seven hundred and eighty-five, entitled "An Act to empower the County Wardens of the Poor for the Counties therein mentioned to build houses in their Respective Counties for the Reception of the Poor and other purposes," to the several Counties herein mentioned.

I. Be it Enacted by the General Assembly, That the before recited Act be, and the same is hereby extended to the counties of Warren, Caswell,

Pasquotank, Halifax, Johnston, Richmond, Hyde, Martin, Wake, Rockingham and Hertford, to all intents and purposes as if the said counties had been named in the before recited Act: Provided, That this Act shall not be construed so as to oblige the Wardens to levy any tax for any of the said counties unless they find the same necessary.

CHAPTER LVI.

An Act to repeal part of an Act, entitled "An Act to empower the several County Courts therein mentioned to lay a tax annually not exceeding three years, for the purpose of erecting or repairing the court-house, prison and stocks in each county when necessary, and for defraying the contingent charges."

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the before recited Act and every clause and article thereof, as far as relates to the county of Surry, be and the same is henceforth repealed and made utterly void.

Read three times and ratified in General Assembly, the 22d day of December, Anno Domini, 1787.

ALEXANDER MARTIN, S. S.
JOHN SITGREAVES, S. H. C.

I certify the foregoing to be a true copy.

JAMES GLASGOW, Secretary.

HOUSE OF COMMONS, Wednesday, December 12, 1787.

Whereas great inconveniences may arise from the present practice in delivering the original Acts of the General Assembly to the Printer, whereby they may be mislaid or never returned to the Secretary of State: Wherefore,

Be it resolved, That it shall be, and it is hereby declared to be the duty of the Clerk of the Senate to deliver the original Acts of each session of the General Assembly to the Secretary of State, whose duty it shall be to transmit attested copies of such acts to the public Printer or person employed to print and publish the same; and the Secretary of State is hereby directed to take the necessary measures for the safe-keeping and preservation of the original acts, in the order in which they were respectively enacted.

Whereas it would certainly prevent much trouble, risk and expence, if the Treasurer was authorized to punch or perforate all warrants, orders and allowances, and money drafts of every nature and kind received and paid into the Treasury, and specie and other certificates received by him or otherwise: Wherefore,

Be it resolved, That the Treasurer be and he is hereby authorized and required immediately on the payment of any warrant, order, allowance or other draft on the Treasury of this State, or on the receipt of any specie or other certificate by taxes or otherwise, and to cause the same to be struck through with a punch of half an inch diameter at least, so as effectually to prevent the future circulation or credit of such warrant, order, allowance or certificate.

Resolved, That these resolutions be printed and bound up with the laws of this session.

In the HOUSE OF COMMONS, December 20, 1787.

Whereas in many instances the official dispatches received by the late Governors may be necessary to establish the claims of this State against the United States or some of them; and as no steps have hitherto been taken to preserve them:

Resolved, That the late Governors, or their representatives, be and they are hereby required to lodge in the Secretary's office within twelve months, all official dispatches of every nature and kind which they may have received; also the journals of the Council of State, and books or copies of correspondence, during the time they were respectively in office.

And whereas the official dispatches laid before the General Assembly remain in the office of the Clerks of the two Houses after the rising of the session, and it is necessary that they should be preserved:

Resolved, That the Clerks of the two Houses be and they are hereby required, after the rising of each session of the General Assembly, to lodge in the Secretary's office all such official dispatches as may remain in their respective offices or possession.

Resolved, That these resolutions be printed and bound up with the laws of this session.

JNO. SITGREAVES, S. C.

By order, J. HUNT, C. H. C.

In SENATE, December 20, 1787.
Read and concurred with.

ALEX. MARTIN, S. S.

By order, S. HAYWOOD, C. S.

LAWS OF NORTH CAROLINA, 1788.

At a General Assembly, begun and held at Fayetteville, on the third Day of November, in the Year of our Lord One Thousand Seven Hundred and Eighty-Eight, and in the Thirteenth Year of the Independence of the said State, being the first Session of the said Assembly. *Samuel Johnston, Esq.*, Governor.

CHAPTER I.

An Act for levying a Tax for the Support of Government, and for the Redemption of the old Paper Currency, Continental Money and Specie and other Certificates, and for Sinking the State Currency.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is Enacted by the authority of the same, That for the year one thousand seven hundred and eighty-nine, a tax of three shillings on every hundred acres of land within this State, and a tax of nine shillings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this State, shall be levied and paid in state currency, or in gold and silver at the rates established by law; provided, That all the lands west of the Apalachian Mountains shall pay a tax of two shillings on every hundred acres of land, and a tax in continental or state dollar bills, or soldiers bounty or specie certificates, in proportion, for every hundred acres of land aforesaid.

II. And be it further Enacted by the authority aforesaid, That for the said year one thousand seven hundred and eighty-nine, a tax for three shillings on every hundred acres of land, and nine shilings on each hundred pounds value of town lots with their improvements, and a tax of nine shillings on every poll in this State, shall be levied and paid in continental or state dollar bills or soldiers bounty certificates, at the rate of eight hundred for one, in specie certificates of every kind at their nominal value with the interest thereon (such as have been issued by the Board of Commissioners for settling army accounts since the first day of January one thousand seven hundred and eighty-six excepted), in currency certificates as rated by the act for the sale of confiscated property, or in final settlement certificates at their nominal value, including the interest thereon.

III. And be it further Enacted by the authority aforesaid, That the above mentioned taxes shall be collected, paid and accounted for as directed by an Act, entitled "An Act for ascertaining what property in this State be deemed taxable property, the method of assessing the same and collecting the public taxes," and also an Act, entitled "An Act for the more regular collecting, payment of and accounting for the public taxes."

IV. And it is further Enacted, That the sinking tax, directed to be collected by an Act passed in one thousand seven hundred and eighty-five, for emitting one hundred thousand pounds paper currency, shall be collected in money, and accounted for in the same manner as other taxes.

And whereas there are large bodies of land in this State granted to citizens of other states, and the laws in force are insufficient to compel such persons to pay a tax for the same, by which means the state is in many cases deprived of a part of its revenue. For remedy whereof,

V. Be it Enacted by the authority aforesaid, That any person who holds or may hold lands in this state whose residence is in any other state, failing by himself, his agent or attorney, to make a lawful return annually of such lands, and to pay taxes for the same in the respective counties where the said lands are situated, then and in that case, the Sheriff of the county where such lands lie is authorized and required to levy on the same, and sell as much thereof as shall be sufficient to pay the taxes, under the same rules and restrictions as in other cases of distress.

VI. And be it further Enacted, by the authority aforesaid, That each and every citizen of this state, shall at the time of making the annual return of their taxable property, make a separate return on oath or affirmation of what land he, she or they may claim by virtue of any military grant, or of any entry or entries made in the office of John Armstrong, Entry-taker, or that he, she or they may hold in trust for any other person or persons, as guardian, attorney or agent of military grants, or lands entered in the said office, under the regulations and penalties prescribed by an Act, entitled "An Act to amend an Act, entitled an Act for ascertaining what property in this State shall be deemed taxable property, the method of assessing the same and collecting public taxes," passed at Hillsborough on the nineteenth day of April, one thousand seven hundred and eighty-four.

VII. And be it Enacted, That if any Justice of the Peace shall receive any persons list of taxable property without taking such person's oath or affirmation, as the case may be, thereto, the Justice or Justices so misbehaving, shall be deemed guilty of a misdemeanor, and upon conviction in any court having cognizance of the same, shall be thenceforth suspended from the exercise of his office.

CHAPTER II.

An Act to prevent the Diminution of the Public Revenue of this State by the Neglect of the County Courts.

Whereas it has been represented to this General Assembly that some of the county courts have neglected to take bond and security of the Collectors appointed in the different districts within their counties, to the great diminution of the public revenue of the state, and as it would be unjust that the Sheriffs should be made answerable for the sums the public are entitled to, unless they have a proper remedy pointed out by law where to apply in case of such neglect of duty: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the Clerks of the several county courts in this State shall not utter or deliver any list of taxes to be collected in any district in any of the counties within this state, until he shall have entered on record that such Collector for such district has given bond with sufficient security as the law requires.

II. And be it further Enacted by the authority aforesaid, That if any Clerk for any of the counties in this State, shall utter or deliver out a list of taxes to any of the Collectors to be collected, without having first entered on record the Collector with his securities, such Clerk shall and is hereby declared liable for such collection.

III. And be it further Enacted by the authority aforesaid, That the county courts within this state are hereby required and directed, on motion of the Sheriff, to enter up judgment against the Clerk so failing or neglect-

ing his duty as is directed by this Act; which judgment shall operate in the same manner as judgments obtained against Collectors of public taxes, who have given securities; any custom or law to the contrary notwithstanding.

CHAPTER III.

An Act to confirm the Rights and Titles of several Citizens of this State in certain Negroes therein described, and preventing Unjust and Vexatious Law Suits.

Whereas in the year one thousand seven hundred and eighty-one, sundry of the citizens of this State did enlist in the service of the State of South Carolina, in the brigade commonly called the state troops, commanded by Brigadier-General Sumpter, and several of them agreeable to their enlistment and service did draw negroes, one for each private soldier, and officers in proportion to their rank, which negroes were at that time taken from the disaffected citizens of said state by order of General Sumpter for that purpose; and the General Assembly of the State of South Carolina did since, to-wit, on the twenty-first day of March, one thousand seven hundred and eighty-four, pass an ordinance to indemnify Brigadier-General Sumpter and the officers acting under his command during the British invasion, in the second section of which ordinance it is ordained, that in all cases where any property hath been taken from any person resident in said state, and appropriated to the public use by order of the said Brigadier-General Thomas Sumpter, such person or persons shall apply for redress to the Legislature and not elsewhere, yet the disaffected citizens of that state, from whom those negroes were taken, have since instituted sundry suits against the citizens aforesaid of this state for the recovery of said negroes. For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That where any citizen of this state shall have actually served in the aforesaid brigade, and drawn a negro or negroes for said service, if there is or hereafter shall be any suit or suits for said negroes commenced against them, or any of them, or any person or persons claiming by, from or under them or any of them, on the fact being proved to the satisfaction of the court and jury trying the cause, that such negro or negroes were regularly drawn in consequence of said service, a verdict and judgment shall be given for the defendants; any law, usage or custom to the contrary notwithstanding. Provided nevertheless, That nothing herein contained shall be construed to vest the property of any negro or negroes taken by any person or persons of the aforesaid brigade, and not specially delivered to the said troops for their pay in the manner aforesaid for said service. And provided also, That nothing herein contained shall preclude citizens of other states, except those of South Carolina, from recovering their negroes, if any may have been taken for the purposes aforesaid who have not applied to the State of South Carolina agreeable to the directions of the aforesaid ordinance for satisfaction and received the same.

CHAPTER IV.

An Act once more to Extend an Act, entitled "An Act to pardon and consign to Oblivion the Offences and Misconduct of certain Persons in the Counties of Washington, Sullivan, Greene and Hawkins."

1. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Act, and every clause thereof, shall be and is hereby extended to all persons within the counties aforesaid who are desirous of availing themselves of the benefits and advantages held out to them by the said Act; and it is hereby declared, that they are and shall be pardoned for the crimes mentioned therein, and for all crimes of a similar nature committed since the passing of the Act aforesaid and prior to the passing of this Act, and freely restored to the privileges of citizens: Provided, That the persons meant and intended by the above mentioned Act of pardon and oblivion, shall within three months from and after the passing of this Act, take the oath of allegiance to the State of North Carolina before the Judge of the Superior Court of the district of Washington, or any county court in said district. Provided also, That the Act aforesaid shall not extend to any crimes, offences or misconduct of the persons above mentioned, which may be done or committed subsequent to the passing of this Act. Provided, That the benefit of this Act shall not entitle John Sevier to the enjoyment of any office of profit, honour or trust in this State, but that he be expressly declared therefrom.

CHAPTER V.

An Act to revive Part of an Act, entitled "An Act to Suppress Excessive Gaming."

Whereas by the repeal of the above recited Act gaming debts to any amount are recoverable before any jurisdiction in the state, whereby many abuses and injuries arise, and vice and immorality are encouraged: For remedy whereof,

I. Be it Enacted by the General Assembly of the state of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, every promise, agreement, note, bill, bond, or other contract to pay, deliver or secure money or other thing won or obtained by playing at cards, dice, tables, tennis, bowles or other games, horse-racing excepted, or by wagering or betting on either of the parties who shall play at such games, or to repay or secure money or other thing lent or advanced for that purpose, or lent or advanced at the time of such gaming, playing, betting, laying or adventuring, shall be void; and every conveyance or lease of land, tenements or hereditaments, sold, demised or mortgaged, and every sale, mortgage or other transfer of slaves or other personal estate to any person, or for his use to satisfy or secure money so won, lent or advanced, on due proof made before any jurisdiction having cognizance thereof, shall be and is hereby declared void.

II. And be it further Enacted by the authority of the same, That every Act or part of Acts coming within the purview and meaning of this Act, shall be and is hereby declared void.

III. And be it further Enacted by the authority aforesaid, That an Act, entitled "An Act to prevent card-playing and other deceitful gaming,"

passed at New Bern in the month of December, one thousand seven hundred and seventy, is hereby repealed and made void.

CHAPTER VI.

An Act for continuing an Act passed at Tarborough, in December, One Thousand Seven Hundred and Eighty-Seven, entitled "An Act for fixing the Final Settlement of Unliquidated Claims against this State, and against the United States within this State."

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That so much of the before recited Act as respects the adjustment of unliquidated claims against this State by the Comptroller, be and the same is hereby declared to be in full force for and during the space of twelve months from the date hereof.

CHAPTER VII.

An Act to amend the several Acts of Assembly to prevent dealing or Trafficking with Slaves.

Whereas the laws and regulations made to prevent dealing and trafficking with slaves, have been found insufficient to prevent that pernicious practice:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That if any free person shall either buy from or sell to any slave or slaves, any kind of goods or commodities whatsoever, or any other thing, without a permission in writing, setting forth the identical article or articles such slave or slaves may have for sale from the master, mistress or other person having the management of such slave or slaves, every such free person shall on conviction forfeit and pay the sum of ten pounds, and be further liable to pay all damages that may accrue in consequence of such trading or trafficking; one half thereof to the person informing, the other half to the person injured, to be levied of his or her property as other recoveries by law; and if the offender shall not have sufficient property to satisfy the judgment, then such offender shall be committed to close custody, and shall remain in prison without bail or mainprize for any time not exceeding three months.

II. And be it further Enacted, That if any slave or slaves shall hereafter offer any article whatever for sale, without permission from his or her owner, master or overseer, it shall or may be lawful for any person knowing the same, to apprehend such slave or slaves, and on due proof of the offence being made on oath before a Justice of the Peace of the county, he may order the said slave or slaves to receive any number of lashes, not exceeding thirty-nine, on his, her or their bare back. Provided nevertheless, That this Act shall not have effect or be in force until after the first day of March next.

CHAPTER VIII.

An Act to repeal Part of an Act, entitled "An Act for the revising and Collecting the Acts of the General Assembly of the State of North Carolina."

Whereas in the third clause of the said Act it is Enacted, that the sum of five hundred pounds shall be advanced to the printer or printers of said laws when revised on loan, payable in three years from the receipt thereof:

I. Be it Enacted by the General Assembly of the state of North Carolina, and it is hereby Enacted by the authority of the same, That so much of the said third clause as authorizes the said printer or printers to receive the sum of five hundred pounds on loan, be and is hereby repealed and made void.

CHAPTER IX.

An Act to continue an Act allowing Salaries to the Governor and other Officers of State.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That an Act, entitled "An Act allowing salaries to the Governor and other officers of the State," passed at Tarborough, in one thousand seven hundred and eighty-seven, shall be, and is hereby continued in force until the end of the next session of the General Assembly.

CHAPTER X.

An Act for Establishing the Dividing Line between the Counties of Burke and Rutherford.

Whereas the dividing line between the counties of Burke and Rutherford hath not yet been established, in consequence of which the lands west of the Apalachian Mountains have been indiscriminately entered in the respective counties, contrary to the intent and meaning of an Act of Assembly in that case made and provided:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the line as laid out, marked and extended by Joseph M'Dowell, Junior, in the year one thousand seven hundred and eighty-five, viz: Beginning at the west point of the line that formerly divided the above said counties, thence west to the Indian boundary as in the Act of Assembly of the seventeenth of May, one thousand seven hundred and eighty-three; which line is hereby established to be the dividing line between the counties of Burke and Rutherford; any law, usage or custom to the contrary notwithstanding.

CHAPTER XI.

An Act to repeal Part of an Act passed at New Bern in December, One Thousand Seven Hundred and Eighty-five, entitled "An Act for destroying Wolves, Wild-Cats, Panthers and Bears, Crows and Squirrels in the several Counties therein mentioned."

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act the before recited Act and every article thereof, so far as relates to the counties of Rowan, Mecklenburg, Burke, Lincoln, Caswell and Sampson, be and the same is hereby repealed and made void.

CHAPTER XII.

An Act to Annex Part of Dobbs County to the County of Jones.

Whereas it is represented to the General Assembly, that it would greatly add to the ease and convenience of a number of the inhabitants of Dobbs county, to be added to the county of Jones:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all that part of Dobbs county lying between the following lines, beginning at Dortche's Mill on Trent-river, running from thence a direct line to Widow Jerman's, and from thence to Duplin line, then with the same to Onslow line, then with Onslow line to where Dobbs and Jones line intersect the same; and that all that part of Dobbs between the said lines be, and the same is hereby added to and made part of Jones county. Provided always, That nothing in this Act shall be understood to prevent the Sheriff or Collectors of Dobbs County, from collecting all public taxes which are now due or may be due for the year one thousand seven hundred and eighty-eight, in that part of the said county which comes within the description of this Act.

II. And be it further Enacted by the authority aforesaid, That John Franck, Edward Whitty and John Herritage, be, and they are hereby appointed Commissioners to run the dividing line from Dortche's Mill to the Widow Jerman's, and from thence to Duplin line, or any two of them, and make return to the county courts of Jones and Dobbs, which shall thereafter be considered the dividing line between the counties aforesaid.

CHAPTER XIII.

An Act to explain "An Act directing the Duty of Naval Officers, and all Masters of Vessels coming into any of the Ports or Inlets of this State."

Whereas in the construction of the sixth clause of the said Act, having reference to an Act commonly called The Admiralty Act, in relation to the manner of the master or owner of a vessel coming into any port or inlet of this state of making his entry before the naval officer or collector of the cargo on board his vessel, and as many doubts have arisen in the courts of law thereon, and the revenue sustained much damage:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That every master or owner of a vessel hereafter entering his vessel with the naval-officer or collector, shall make the entry of his cargo in manner follow-

ing, that is to say, That every master or owner of any vessel coming into any port of this state, previous to breaking bulk, or landing any part of his cargo, shall deliver to the naval-officer or his deputy a full and perfect inventory of all goods, wares and merchandize by him brought into the port, particularly specifying the bales, packages, chests, boxes, cases, hogsheads, pipes, barrels of spirituous liquors, molasses, sweets, and the contents thereof, with all and every quantity of merchandize whatsoever by him imported, and taking the following oath: "I, A. B. do swear that the inventory of my cargo now given in, is a full, true and perfect inventory of the same, and that I have not landed any part of my cargo, or an goods since my arrival in this port, and that it is the same and the whole of what I brought from the port of ———— to this port, without any alteration or diminution thereof."

II. And be it further Enacted by the authority aforesaid, That if any master or owner of a vessel, coming into any port or inlet of this State, shall on any pretence whatsoever, previous to his entering his vessel as aforesaid, break bulk, he shall forfeit and pay the sum of one hundred pounds as a penalty for his defalcation, to be recovered by action of debt in any court of law, to be applied one half to the person who will sue for the same, and the other half to the state with costs.

III. And be it further Enacted by the authority aforesaid, That if any master or owner of a vessel, shall have before his entry with the naval-officer broke bulk, smuggled or landed any part of his cargo, or have made a false entry, proof being made thereof by action or libel, then and in such case the vessel shall be altogether and absolutely forfeited, one third thereof to the naval-officer and collector of the port where such forfeiture may happen, one third to the informer, and the remaining third thereof to the state, in case the owner of the said vessel be privy to the said fraud: Provided, That when the seizure shall be made without information having been given by any person to the naval-officer or collector, the amount of the forfeiture so made, shall be equally divided between the state and the collector or naval-officer who shall make such seizure as aforesaid.

IV. And be it Enacted by the authority aforesaid, That the collectors of Port Brunswick, Port Beaufort, Port Bath, and Port Roanoke, are hereby directed to enter into bond with sufficient security in the further sum of ten thousand pounds each, current money, payable to his Excellency the Governor for the time being and his successors in office, for the faithful discharge of their duty, for the use of the state, within six months from and after the passing of this Act; and on failure to comply with this regulation, the Governor with the advice of the Council shall suspend the collector or collectors, and appoint another or others to act instead of the person or persons so suspended until the end of the next General Assembly; and the collector of Port Currituck and Port Swansborough, shall enter into bond with security as aforesaid, in the further sum of six thousand pounds each, under the same regulations as in the cases afore mentioned: Provided, That those collectors who have complied with the law, and have given bond agreeable to the directions of the "act directing the duty of naval-officers and of all masters of vessels coming into any of the ports or inlets of this state," shall not be obliged to give any further bond for the faithful discharge of his or their duty as required by this Act.

V. And be it Enacted by the authority aforesaid, That all vessels bound from sea and coming through Roanoke Marshes, shall be obliged to enter as heretofore in Port Roanoke, and the Captains or owners of vessels failing to comply with this regulation, shall forfeit and pay the sum of fifty pounds

for every failure, to be recovered by action of debt in any court of record, one-half to the use of the informer, the other half to the use of the State: Provided, That vessels coming through Roanoke Marshes and bound up Pasquotank and North Rivers, may enter at Port Currituck, and that Pasquotank-River shall hereafter be the western boundary of Port Currituck.

And whereas many laws have been made concerning pilots and pilotage, stakeage and the preservation of the inland navigation of this State, which are found on experience not to answer the purposes intended, for the want of a more summary mode to carry those laws into effect: Therefore,

VI. Be it Enacted by the authority aforesaid, That from and after the passing of this Act, the Judges of the several courts of admiralty in this State are hereby authorised, impowered and appointed to take under their express jurisdiction, all matters and things contained in the several Acts of Assembly of this State concerning pilots, pilotage, stakeage and the preservation of the inland navigation of this State, and to determine thereon in a summary manner, and to make rules and ordinances for the due regulation of the same, and to institute fines to enforce obedience thereon from time to time, as they shall deem necessary and useful.

VII. And be it further Enacted by the authority aforesaid, That the seventh clause of an Act, entitled "An Act directing the duty of naval officers and of all masters of vessels coming into any of the ports or inlets of this State," is hereby repealed; and all and every other law coming under the purview of this Act, is hereby repealed and made void.

And whereas contrary to equity it has lately been the custom to require the importer to pay for a permit for landing each and every consignment addressed to him on board any vessel:

VIII. Be it therefore Enacted, That the collector of imposts shall only require the importer to pay for one permit for all the goods, wares and merchandize he may have addressed or consigned to him in any one vessel.

CHAPTER XIV.

An Act to Annex Part of the County of Carteret to the County of Jones.

Whereas it is represented to the General Assembly, that it would greatly add to the ease and convenience of a number of the inhabitants of Carteret county, to be added to the county of Jones:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all that part of Carteret county lying on the north side of White Oak river and on the West side of Hunter's creek, be and the same is hereby annexed to and made part of Jones county. Provided always, That nothing in this Act shall be understood to prevent the sheriff or collectors of Carteret county, from collecting all public taxes that are now due or may be due for the year one thousand seven hundred and eighty-eight, in that part of the said county which comes within the description of this Act.

CHAPTER XV.

An Act to Amend an Act, Entitled "An Act to Erect a Town on the Lands of Matthew Figures, in Northampton County."

I. Be it Enacted by the General Assembly of the State of North Carolina, That so much of the second Enacting clause of the before recited Act as

directs that lots of one acre each shall be laid off, shall be and the same is hereby repealed; and that instead thereof lots of half an acre each shall be laid off as was intended; any thing to the contrary notwithstanding.

CHAPTER XVI.

An Act to Establish a Company for the Opening the Navigation of the Catawba Rivers.

Whereas John Rutledge, Thomas Sumpter, Isaac Huger, Benjamin Waring, Christian Sens, Daniel Bordeaux, Alexander Gillin, Joseph Atkinson, William Hill and John Gilliard, of South Carolina, Esquires, have for themselves and others, by their petition to the General Assembly, represented that the opening of the navigation of the Catawba rivers from the South Carolina line as far up both branches of the Catawba rivers as may be found practicable by means of canals, dams and locks, and clearing the same of the obstructions which are now in the way, will be of great public utility; that the said petitioners have entered into an agreement for establishing a company for opening the navigation of the said rivers, should it meet the sanction of the Legislature, and prayed to be incorporated by law, under the name or title of the company for opening the navigation of the Catawba rivers, and that they may be vested with such powers, priviliges and immunities for carrying the same into effect, similar to those powers rights and titles, as are granted to them as an incorporated company for opening the navigation of Catawba and Wateree rivers by the State of South Carolina.

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said petitioners, and such others as shall be admitted into the said company, shall be and they are hereby incorporated, by the name and title of The company for opening the navigation of the Catawba rivers.

II. And be it further Enacted by the authority aforesaid, That the said company, by the name and style aforesaid, shall and may sue and be sued, implead and be impleaded in any court within this State; and that they may elect and appoint all necessary officers, and from time to time make such rules, regulations and bye-laws as they shall think proper for their own government; provided the same shall not be repugnant to or inconsistent with the constitution or any laws of this State.

III. And be it further Enacted by the authority aforesaid That the said company shall and may cause a navigation to be made on the rivers aforesaid, by means of dams, canals and locks, or in such other manner as to them shall seem most fit and convenient, from the South Carolina line as far up both branches of the Catawba river as may be found practicable; and that they and their successors, for ninety-nine years, shall and may fix and establish, and be entitled to take and receive by way of toll, for all goods and merchandize carried on or through, and boats, vessels and rafts passing on or through the said rivers, within the limits aforesaid such sums or rates as the said company shall think proper to impose, not exceeding at any time more than twenty-five per cent. per annum on the money which they shall have expended in opening and keeping in repair the said navigation; to ascertain which the books of the said company shall always be liable to the inspection of the Legislature of this State; that the said toll shall be payable in the current money of the State, and that the said company or their

agents may stop any goods, vessels, boats or rafts from passing on the said river until payment of the said toll.

IV. And be it further Enacted by the authority aforesaid, That the said company shall have power to open and keep open such road or roads on each side of the banks of the said rivers as they may deem necessary for the use of the navigation aforesaid, and to purchase for themselves and their successors forever, all such lands as may be necessary for the purposes aforesaid.

V. And be it further Enacted by the authority aforesaid, That the said company shall be obliged to keep the said navigation in good and sufficient order and condition, on pain of being answerable for any damages occasioned by their wilful default and neglect.

VI. And be it further Enacted by the authority aforesaid, That the shares in the said company shall be ninety-nine years exempted from any rate, tax, duty, assessment or imposition whatever; and that the said shares may be sold, transferred, assigned or bequeathed by the proprietors respectively, and in case of their dying intestate, shall go as personal estates according to the statute of distributions.

VII. And be it further Enacted by the authority aforesaid, That if any person shall wilfully and maliciously cut, break down, damage or destroy any bank or other work to be erected or made for the purpose of the said navigation, or shall throw dirt, trees, logs or other rubbish in the way, so as to prejudice the navigation and works aforesaid such person shall be answerable to the said company for treble the damages sustained thereby.

VIII. And be it further Enacted by the authority aforesaid, That the said company and their successors, from time to time forever, shall be capable of purchasing or acquiring, holding and possessing, and of selling and disposing of any negroes or other goods and chattels, as well as of any lands or real estates.

IX. And be it further Enacted by the authority aforesaid, That if any person shall be sued for any matter or thing done in pursuance of this Act, he may plead the general issue and give this Act and the special matter in evidence, and on a verdict against the plaintiff or a non-suit on discontinuance, recover costs of suit.

X. And be it further Enacted by the authority aforesaid, That this Act shall be deemed and taken to be a public Act and judicially taken notice of as such without special pleading, and liberally construed for carrying the purposes aforesaid into effect: Provided, That the State of South Carolina agrees that no restrictions, duty or impost shall be laid on any commodity which is the growth, produce or manufacture of the State of North Carolina brought through the said canal or river for sale or exportation, and that the same may be exported without reinspection: Provided also, That nothing contained in this Act shall be construed to operate against the claim of the State, for any part of the territory included within the lines established as the southern boundary of the State by the twenty-fifth article of the bill of rights.

XI. And be it further Enacted by the authority aforesaid, That this Act shall not take effect or be in force, until the State of South Carolina shall pass a law establishing this proviso a part thereof.

CHAPTER XVII.

An Act to Repeal Part of an Act, Entitled "An Act for the Better Regulation of the Town of Halifax and Extending the Liberties Thereof; and for Altering the Mode of Laying and Levying Taxes in the Town of Edenton."

Whereas that part of the Act aforesaid, which extends the liberties so as to include therein Willie Jones, John Baptist Ashe and Archibald Davis, with the lands and slaves to them belonging, and being within certain boundaries in the said Act described, was passed without the consent or approbation of the persons above mentioned; and the said Act so far as it relates to the extension of the liberties, has not produced one good effect:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That so much of the Act aforesaid as extends the liberties of the town of Halifax to include the said Willie Jones, John Baptist Ashe and Archibald Davis, and their houses, lands and slaves, or any or either of them therein, be and the same is hereby repealed.

CHAPTER XVIII.

An Act to Emancipate a certain Negro Slave named Phillis, late the Property of George Jacobs, of the town of Wilmington, Deceased.

Whereas it is represented to the General Assembly that the aforesaid George Jacobs, deceased, in his last illness, did earnestly request that his ngro slave named Phillis should be liberated for her great attention to her said master during her continuance with him, and more especially for her care and assiduity in his last illness: In order therefore to carry into effect the dying request of the said George Jacobs, deceased:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the aforesaid negro woman named Phillis, shall be emancipated and forever discharged from her bondage, in as full and ample manner as if she had been born free; any law, usage or custom to the contrary notwithstanding: And the said negro woman shall forever hereafter be known by the name of Phillis Freeman.

CHAPTER XIX.

An Act to Impower the Wardens of the Poor for the County of Camden to Lay a Tax to Enable Them to Settle the Arrears Due From the Said County.

Whereas the tax heretofore by law laid hath not been sufficient to support the poor in the county aforesaid:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That a tax not exceeding two shillings shall be laid on each taxable person, and also a tax not exceding eight pence on every hundred acres of land in said county; which tax the wardens of the poor are hereby empowered to receive and account for, agreeable to law in such case heretofore made and provided.

CHAPTER XX.

An Act to Amend an Act Entitled "An Act to Prevent Domestic Insurrections."

Whereas by the before recited Act it is Enacted, that no person shall liberate or set free his or her slave except for meritorious services to be adjudged and allowed of by the county court, and by the said Act it is directed in what manner and for what purpose slaves illegally liberated shall be apprehended and sold: And whereas divers persons from religious motives, in violation of the said law, continue to liberate their slaves, who are now going at large to the terror of the people of this State: And whereas the mode prescribed for apprehending such slave or slaves is found by experience not to answer the good purposes by the said Act intended, the power of apprehending liberated slaves being confined to freeholders only, and optional in them whether they will exercise the authority or not; and it appearing the said law is not fully adequate to the good purposes intended: Therefore,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, if any slave hath been liberated contrary to the before recited Act, should be still within the limits of this State, and all slaves liberated after the passing of this Act should be known or suspected to be lurking in any of the inhabited parts thereof, then and in such case, on information made to any justice of the peace by any freeman of such liberated slave or slaves going at large or lurking about, contrary to the true intent and meaning of the said Act, then and in such case the justice to whom such information is made, is hereby impowered and required immediately to issue his warrant, directed to the sheriff of the county, commanding him to make diligent search and to apprehend all such slave or slaves, and to commit him, her or them to the gaol of the county, there to remain until the next succeeding court of the county, on which warrant all procedings shall be regulated in the same manner as is directed by the before recited Act; and that the person or persons apprehending any such slave or slaves by virtue of any such warrant, shall be entitled to the emoluments as is allowed to freeholders by the before recited Act. Provided nevertheless, That nothing in this Act shall be construed to debar any freeholder or freeholders from stepping forward in the execution of said law in the usual manner, or to divest them of the emoluments given by the said Act.

CHAPTER XXI.

An Act for the Relief of Former Sheriffs, and for Directing the Comptroller as to the Manner of Settling Their Accounts.

Whereas divers persons who acted as sheriffs under the former government of this State, then province, and others who have acted as such since the revolution, and previous to the year one thousand seven hundred and eighty-four, are in arrear to the public, and it being proper they should be called to account:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That each and every such person shall be at liberty to settle his or their account with the comptroller of this State at any time from and after the passing of this Act until the first day of July, which shall happen in the year one thous-

and seven hundred and eighty-nine, on the following principles, that is to say, All sheriffs who acted as such previous to the revolution, shall be held and deemed bound to pay their respective balances in the present currency of the State: Provided nevertheless, That where it shall be made to appear by the oath of the executors, administrators or representatives of any deceased sheriff of the above description, or by other sufficient testimony, that from the difficulty of the times or other unavoidable hindrances, such deceased sheriff failed to make his collection until after the emission of the late dollar currency of this State, the said dollar currency shall be received by the comptroller in payment of the arrears of such sheriff, agreeable to the scale of depreciation at the time it shall have been collected, the executors, administrators or representatives first making oath that they know or believe the dollar money tendered to be the identical money which was collected in payment of taxes for the years in which such deceased sheriff become chargeable: And provided also, That where the property of any such deceased sheriffs has been sold by their executors, administrators or representatives as aforesaid for dollar money, for the express purpose of paying such public demands or balances, and such money has not been paid into the treasury heretofore, through the neglect or refusal of any of the late district treasurers to receive the same, or from other unavoidable causes, in all such cases it shall be the duty of the comptroller to receive the dollar money in discharge of the debt or balance of such deceased sheriff, at the rate fixed by the scale of depreciation at the time the property was sold, the person tendering the same first making oath, that the dollar bills tendered are the same which were received in payment for the purchase of such property.

II. And be it further Enacted by the authority aforesaid, That all persons who have acted as sheriffs under the present government and previous to the year one thousand seven hundred and eighty-four, shall be at liberty to settle their respective accounts with the comptroller at any time within the period herein before limited, in the following manner, to-wit: They shall be at liberty to settle fully and completely in such species of payment as are by law required for the taxes of the year in which they may have acted as sheriff, they and every of them first making oath that the dollar money or claims tendered are the same which they collected in payment of taxes, and that they had not used or been benefited by the same.

III. And be it further Enacted, That on all settlements made in virtue of this Act, the comptroller shall report the balances due, if any, to the treasurer as in other cases; which report shall be made in specie, and shall be sued for accordingly.

IV. And be it also Enacted, That this Act shall be and continue in force until the first day of July, which shall happen in the year one thousand seven hundred and eighty-nine and no longer.

CHAPTER XXII.

An Act for Improving the Navigation of Albemarle Sound.

Whereas it appears to the General Assembly, that by opening a navigable passage into the ocean near the island of Roanoke, the navigation of this State would be greatly improved, and the value of lands lying contiguous to Albemarle and Pamlico Sounds and that the waters that communicate with them will be increased, and it being represented that many citizens of this State are willing to contribute to effect this beneficial and necessary work:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That his Excellency Samuel Johnston, Whitmill Hill, John Skinner, Josiah Collins, Demcy Conner, Hardy Murfree, Charles Johnson, David Meridith, Christopher Clark, Thomas Stewart, Lawrence Baker, Morris Baum, Isaac Gregory and Nathaniel Allen, be and they are hereby appointed commissioners to receive subscriptions for the purpose aforesaid, five of whom shall be a quorum.

II. And be it Enacted by the authority aforesaid, That the commissioners aforesaid be and they are hereby declared to be a body corporate and politic, and as such they shall be capable to sue and be sued under the name of the commissioners for cutting Raleigh canal; and they are hereby authorised to purchase lands, make contracts, and to do all things necessary for the above purpose.

III. And be it further Enacted by the authority aforesaid, That if the lands through which the said canal is intended to be cut, do belong to any persons unwilling to sell them at a reasonable price, or to a feme covert, minor or absentee, it shall be lawful for the said commissioners, or such persons as they shall authorise for the purpose, to apply to any justice of the peace of the county, who is hereby required to cause seven freeholders to be summoned to value the same upon their oath; which valuation shall be returned to the next county court, and upon the commissioners or any person for them, paying to the clerk of the court for the use of the former proprietor of the land the sum to which the lands were valued, the said lands shall be vested in them and their successors forever.

IV. And be it Enacted by the authority aforesaid, That if the sum which may be subscribed shall appear inadequate to the undertaking, the said commissioners shall within three years from the passing of this Act, return the sums of money received by them to the subscribers respectively; and if the said commissioners shall not within three years after the passing of this Act begin to work upon the said canal, inlet or passage to the ocean, it shall be lawful for the subscribers to sue for and recover such sums as they may have advanced for the above purpose.

V. And be it further Enacted by the authority aforesaid, That the said commissioners or a majority of them shall meet annually, when they shall appoint such officers as may be necessary to make out their accounts, a State of which they shall publish every year; and in case of the death, resignation, inability or removal of any of the commissioners aforesaid, they shall elect persons in their room and stead by a majority of votes, who shall possess all the powers given and granted by this Act.

VI. And be it further Enacted, That an Act passed at Tarborough, entitled "An Act for promoting the navigation of Albemarle Sound," be and the same is hereby repealed and made void.

CHAPTER XXIII.

An Act to admit to Record Certain Deeds, Grants and Patents for Lands Heretofore Obtained.

Whereas it is represented to this General Assembly, that some of the record books belonging to the secretary's office, in which deeds, grants and patents heretofore obtained have been recorded, are now lost or otherwise destroyed, whereby many of the good people of this State may be greatly injured: For prevention whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That it shall and may be lawful for his Excellency the Governor for the time being, by and with the consent of the Council of State, on application of any person or persons having a deed, grant or patent for lands in such predicament (provided it shall appear to them that such deed, grant or patent had been fairly obtained, and the requisites of the law fully complied with) to order the secretary to record such deed, grant or patent; and on such order the secretary is hereby directed to record in his office such deed, grant or patent for lands so ordered, together with such order; which deed, grant or patent so recorded, shall be as good and valid in law to all intents and purposes whatsoever, as if such former records had never been lost or destroyed; and in any controversy at law that may happen in consequence thereof, this Act may be given in evidence to support the validity of the record of such deed, grant or patent; any law to the contrary notwithstanding.

CHAPTER XXIV.

An Act for the Relief of Persons Who Have Suffered or May Suffer by Their Grants, Deeds and Mesne Conveyances Not Being Proved and Registered Within the Time Heretofore Appointed by Law, and to Grant a Further Time for Registering Certain Grants Heretofore Issued From Lord Granville's Office, and to Direct Transcripts of the Records of Orange and Tyrrel Counties to Be Made.

Whereas many person through ignorance of the law have neglected to have their grants, deeds and mesne conveyances registered, according to the directions of the several Acts of Assembly in such case made and provided: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all grants for lands entered in the land office under the present government, which have not been registered within the times heretofore appointed by law, shall and may, within two years after the passing of this Act, be admitted to registration, and shall be as good and valid as if they had been registered within the time heretofore allowed by law.

II. And be it further Enacted by the authority aforesaid, That all deeds and mesne conveyances of lands, tenements and hereditaments not already registered, acknowledged or proved, shall and may, within two years after the passing of this Act, be acknowledged by the grantor or grantors, his or their agents or attornies, or proved by one of more of the subscribing witnesses to the same, and tendered or delivered to the registers of the counties where such lands, tenements or hereditaments are respectively situated; and all patents, grants, deeds and mesne conveyances whatsoever, which shall be acknowledged or proved according to the directions of this Act, shall be good and valid, and enure and take effect as fully to the use and benefit of the grantees, their heirs and asigns, as if such patents, grants, deeds and mesne conveyances had been acknowledged or proved and registered agreeably to the directions of any law heretofore made.

And whereas many persons through inattention have failed to have their grants, heretofore issued from Lord Granville's office, registered within the time limited by Act of Assembly, passed at Tarborough, in November, one thousand seven hundred and eighty-seven:

III. Be it Enacted by the authority aforesaid, That all grants heretofore

issued from Lord Granville's office, and not yet registered, may be admitted to probate and registration at any time within two years from and after the passing of this Act, under the rules, restrictions and provisions contained in the Act aforesaid, passed at Tarborough, in November, one thousand seven hundred and eighty-seven, entitled "An Act to amend the several Acts of Assembly heretofore passed for giving further time to surveyors within the different counties to make their surveys, and return plats thereof to the secretary's office; and for giving further time for the registration of certain deeds issued from Lord Granville's office, and marriage contracts therein mentioned."

And whereas it appears that the records of the registers office in the counties of Orange and Tyrrel are in a ruinous situation, occasioned by being removed at sundry times during the late war:

IV. Be it therefore Enacted by the authority aforesaid, That it shall and may be lawful for the county courts of Orange and Tyrrel, to employ a proper person to transcribe in well bound books, so much of the records of the said registers office, containing grants, deeds and other conveyances, as they may think necessary, and to levy a tax for the payment thereof: Provided always, That there shall be present at such court at least two-thirds of the justices of said county.

V. Be it further Enacted, That all lands entered in the office of John Armstrong, west of Cumberland mountain, shall be registered in the county in which the proprietor of the said lands may reside: Provided always, That persons owning such lands in this State westward of the said mountain, and not residing therein, shall register their grants for such lands in the county of Hawkins.

CHAPTER XXV.

An Act to Amend an Act, Entitled "An Act for Appointing the Place of Holding Courts of Pleas and Quarter Sessions in the county of Sullivan, and to Alter the Time for Holding the Superior Court for the District of Fayette.

Whereas the commissioners appointed by the said Act have failed to assemble and fix upon the place for erecting a court-house, prison and stocks in said county, and to contract with workmen for building the same; in consequence of which great inconveniencies have arisen to the good citizens thereof.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Joseph Martin, Evan Shelby, Gilbert Christian, Robert Allison, George Vincent, Samuel Smith, John Dunkin and William King, Esquires, be and they are hereby appointed commissioners, and they are hereby impowered, or a majority of them, to fix on the most central or convenient place to the inhabitants of said county for building and erecting a court-house, prison and stocks for the use of the same; and the said commissioners, or a majority of them, are hereby authorised and impowered to contract with workmen to build the said court-house, prison and stocks; and the justices of the said county of Sullivan are hereby authorised to lay a tax on the inhabitants of said county, not exceeding one shilling on every poll, and four pence on every hundred acres of land in said county, for the purposes aforesaid.

II. Be it further Enacted by the authority aforesaid, That the sheriff or other collector is hereby impowered and directed to collect, account for and

pay the money by him collected into the hands of the within named commissioners for erecting the said public buildings; and on non-payment of the tax to be collected in virtue of this Act by the sheriff or other collector thereof, the said sheriff or other collector shall be liable to the same penalties as for other public taxes; and the said commissioners shall be entitled to the same mode of recovery against the sheriff or other collector, as other public officers are entitled to have against them on non-payment of public taxes, after deducting his commissions for collecting the same.

III. Be it further Enacted, That the justices of the said county of Sullivan, are hereby authorised and impowered to adjourn themselves to any other convenient place in the said county, until such time that a court-house, prison and stocks shall be built for said county; and then all causes, matters and things depending in said court, and all manner of process returnable to the same, shall be adjourned to such court-house.

IV. Be it further Enacted by the authority aforesaid, That so much of the before recited Act as tends to the building a court-house, prison and stocks in the said county of Sullivan, is hereby repealed and made void.

And whereas the time fixed for holding the superior court of law and equity in the district of Fayetteville is found inconvenient, from its being so shortly after Wilmington superior court: For remedy whereof,

V. Be it Enacted by the authority aforesaid, That from and after the next superior court to be held for the said district of Fayetteville, on the twentieth day of the present month December, the superior courts shall be constantly held on the twenty-third days of June and December in each year, except when the same shall happen on a Sunday, and in that case on the next succeeding day; to which days all future courts shall adjourn, and all process shall be returned to the same; any law, usage or custom to the contrary notwithstanding.

CHAPTER XXVI.

An Act to Quiet Thomas Brown, of Bladen County, Esquire, in His Title to and Possession of Divers Lands, Tenements and Hereditaments Therein Referred To.

Whereas William Bartram, late of Bladen county, Esq., deceased, died intestate, posessed of divers tenements and hereditaments, which descended to his only son William Bartram, who departed this life intestate and without issue, whereby all the said real estate descended to Mary Robeson (formerly Bartram) wife of Thomas Robeson, now deceased, and Sarah Bartram, since the wife of Thomas Brown, Esquire, the only surviving children of the said William Bartram, the father, and heirs at law of the said William Bartram, their brother: And whereas after the said Thomas Brown and the said Sarah Bartram intermarried, they agreed to make partition of part of the said real estate with said Thomas Robeson and Mary his wife, and on the eight day of February, one thousand seven hundred and seventy-six, the parties made mutual conveyances to each other, the moiety of each sister being conveyed to her and her husband in joint tenancy, as in and by the conveyance of the said Thomas Robeson and Mary his wife, to the said Thomas Brown and Sarah his wife, bearing date the day and year aforesaid, may more fully appear: And whereas afterwards, that is to say, on the twenty-fifth day of March, one thousand seven hundred and seventy-nine, the said Thomas Brown and Sarah his wife, in order to secure provision for their daughter Elizabeth Brown and her issue, as here-

in after is mentioned, by indenture bearing date the day and year last aforesaid, conveyed to George Lucas, of Bladen county, gentleman, all the lands and tenements mentioned and described in the before mentioned conveyance from the said Thomas Robeson and Mary his wife, to the said Thomas Brown and Sarah his wife, and a moiety or undivided half part of all the other lands, tenements and hereditaments to which the said Sarah was jointly entitled with her said sister of the estate of their said father William Bartram, Esquire, and the said Sarah Brown then languishing under a dangerous indisposition, and not likely to live until the next court of her county, and the judges of the superior courts being then on their circuit, so that there was no probability of her living until she could be examined touching her free consent in executing the said last mentioned deed of conveyance, she the said Sarah Brown declared to the persons who were witnesses to the execution thereof privately and apart from her husband the said Thomas Brown, which witnesses were requested by her to hear and certify her said declaration, that she sealed and delivered the same as her act and deed of her own free will and consent, without any fear of or compulsion from her said husband, all which the said witnesses have testified in a certificate annexed to the said deed, and the same is sworn to by John Davis, Esquire, the surviving witness: And whereas the said George Lucas, on the twenty-sixth day of March, in the year aforesaid, reconveyed all the lands, tenements and hereditaments herein before mentioned, comprised in the conveyance of the said Thomas Brown and Sarah his wife, to him the said Thomas Brown, his heirs and assigns, of all which he hath ever since continued in quiet and peaceable possession; and at the same time the said Thomas Brown in consequence of a previous agreement between him and the said Sarah Brown his wife, and as a condition upon which she consented to convey her estate, did enter into one bond or obligation to the said George Lucas in the penalty of ten thousand pounds currency, conditioned that the said Thomas Brown should within twelve calendar months from the date thereof, convey to the said George Lucas all the before mentioned lands and lots mentioned in the said several conveyances, in trust for him the said Thomas Brown during his life, and after the death of the said Thomas Brown, then in trust for Elizabeth Brown, daughter of the said Thomas and Sarah, for her life, and after the death of the said Elizabeth Brown, the daughter, then in trust for the children of her the said Elizabeth in tail; and in case the said Elizabeth Brown should die without issue at the time of her death, then in trust for the said Thomas Brown, his heirs and assigns forever: And whereas the said Thomas Brown in pursuance and execution of the several trusts mentioned in the condition of the same bond, did by indenture bearing date the eleventh day of April in the year last aforesaid, therein reciting the said condition, convey to the said George Lucas, his heirs and assigns, all and singular the lands, tenements and hereditaments in the said indenture and the before mentioned bond and conveyances mentioned, and referred to upon and for the several trusts, intents and purposes as in the condition of the same bond is mentioned and expressed, or in and by the said several deeds and conveyances, registered in the registry of Bladen county, reference being thereto had may more fully appear: And whereas afterwards, that is to say, on or about the twenty-ninth day of the same April in the year last aforesaid, before the sitting of the county court of Bladen, and whilst the judges of the superior court were on their circuit, the said Sarah Brown departed this life, without having been privately examined agreeably to the directions of the Act of Assembly, touching her free consent to the execution of the before

mentioned conveyance of the twenty-fifth of March, one thousand seven hundred and seventy-nine; and the said Elizabeth Brown, daughter of the said Thomas Brown and Sarah his wife, having since departed this life at the age of five years or thereabouts, the said trust estate by the tenor of the deeds and conveyances herein before mentioned devolves upon the said Thomas Brown, his heirs and assigns: And whereas it appears upon indisputable proof to this General Assembly, that as the said Sarah Brown hath expressly limited her estate to her own issue in tail, her intention was to exclude her other heirs in favour of her husband, the said Thomas Brown, which is fully expressed by the documents exhibited by him the said Thomas, so that the substance of the Act of Assembly for the alienation of estates of feme coverts hath been fully complied with, and even the formalities as far as it was practicable; and the intention of the law being no more than to prevent the alienation of the wife's estate through the undue influence or by the compulsion of the husband, and the said Thomas Brown in the present case taking no estate by the said conveyances in the first instances but what he had before, it is just and reasonable that he should be quieted in this title to and possession of the lands and premises herein before referred to:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That all the before mentioned deeds and conveyances shall be held, deemed and taken to be firm and effectual in law for the conveyance of the lands, tenements, hereditaments and premises therein mentioned against the heirs of the said Sarah Brown, and so as to bar them and every of them forever; and that the conveyance by indenture from the said Thomas Brown and Sarah his wife to the said George Lucas, bearing date the twenty-fifth day of March, one thousand seven hundred and seventy-nine, as before mentioned, with the private examination and declaration of the said Sarah Brown thereto annexed, now upon record in the registry of Bladen county, shall be held, deemed and taken, and in all courts of law and equity shall be construed and adjudged to be good and effectual in law for conveying the estates of the said Thomas Brown, and the said Sarah Brown his wife, and each of them, of, in and to the several lands, tenements, hereditaments and premises in the said last mentioned indenture, mentioned in the same manner as if the said Sarah Brown had been privately examined with respect to her free consent to the execution thereof in any manner prescribed by law, and as if such examination and declaration had been certified by any judge, justice, court or commissioners for that purpose legally appointed; any law, usage or custom to the contrary in any wise notwithstanding.

II. And be it Enacted by the authority aforesaid, That in all or any suit or suits which may hereafter be instituted against the said Thomas Brown, his heirs or assigns, by the heirs of the said Sarah Brown, his late wife, or by any other person or persons claiming by, from or under them, or any of them, for the recovery of all or any of the lands, tenements or hereditaments mentioned or described in the said last mentioned indenture of conveyance, this Act may be given in evidence in the same manner as public Acts without special pleading, and shall be a perpetual bar to any such suit; any law to the contrary notwithstanding.

CHAPTER XXVII.

An Act to Quiet in the Possession of William Scott Certain Lands Therein Described.

Whereas Samuel Scott, deceased, did in the year one thousand seven hundred and fifty-three, obtain a grant from Lord Granville's office for six hundred and forty acres of land lying on Rich Fork and Reedy Fork, in Guilford county, then Rowan county: And whereas it hath been made appear to the satisfaction of this General Assembly by sundry affidavits, that through mistake of the surveyor the plat returned into the office of the said Lord Granville (and which is annexed to the grant) does not by the courses and distances therein specified, include the quantity of land conveyed to the said Samuel Scott by Lord Granville: And whereas the said Samuel Scott hath since died, and bequeathed to his son William Scott the aforesaid tract of land:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, that from and after the passing of this Act, the tract of land lying on Rich Fork and Reedy Fork, in Guilford county, formerly Rowan, conveyed by Lord Granville to Samuel Scott for six hundred and forty acres, have the following bounds, instead of those specified in the conveyance from the said Lord Granville to Samuel Scott, viz. Beginning at a white oak corner to number thirteen, running south along that line three hundred and twenty poles, thence west three hundred and twenty poles, thence north three hundred and twenty poles, thence east three hundred and twenty poles, crossing Reedy Fork twice, to the first station; and the said William Scott is hereby declared to be invested with as full and ample right and title to the lands included within the said lines, as he would or might have been, had they been expressly mentioned in the conveyance made from Lord Granville to the said Samuel Scott, provided no other person or persons have any lawful claim to any part thereof prior to the passing this Act.

CHAPTER XXVIII.

An Act for Dividing the County of Davidson.

Whereas the great extent of the county of Davidson renders it inconvenient to the inhabitants thereof to attend courts, general musters and elections:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said county of Davidson shall be divided by a line beginning on the Virginia line, running south along Sumner county to the dividing ridge between Cumberland river and Red river, then westwardly along the said ridge to the head of the main south branch of Sycamore creek, then down the said branch to the mouth thereof, then due south across Cumberland river to Davidson county line; and all that part of Davidson county that lies to the east of the said line, shall continue and remain the county of Davidson; and all that part of the said county of Davidson that lies west of the said line, shall be erected into a county by the name of Tennessee. And for the due administration of justice:

II. Be it Enacted by the authority aforesaid, That the courts for the said county shall be held by the justices thereof on the third Mondays in Jan-

uary, April, July and October; and the justices for the said county of Tennessee are impowered to hold the first court at the house of Isaac Fitzworth, and all subsequent courts at such place as the said justices may adjourn to, until a court-house shall be built for the said county of Tennessee, and then all causes, matters and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court-house; and all courts held in and for the said county of Tennessee shall be held by commission to the justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdictions, as are or shall be prescribed for other courts held for the several counties in this State.

III. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be construed to debar the late sheriffs and collectors of Davidson county, as the same stood undivided, to make distress for taxes now actually due by the inhabitants of the said county of Davidson, in the same manner as if the same had remained undivided.

IV. And be it further Enacted by the authority aforesaid, That all suits, causes and pleas, civil and criminal, now commenced and depending in the county court of Davidson, shall continue and may be prosecuted to final end and determination.

V. And be it further Enacted by the authority aforesaid, That the court of the said county of Tennessee shall appoint twelve jurors to attend at every superior court that shall be held in the county of Davidson.

VI. And be it further Enacted by the authority aforesaid, That Robert Weakly, Robert Nelson and George M'Wharton, shall be commissioners, or any two of them; and they are hereby impowered and required to run the said dividing line between the counties of Davidson and Tennessee agreeable to this Act; and the said line, when run by the commissioners, or a majority of them, shall be entered on the records of the said counties of Davidson and Tennessee, and shall be the dividing line between the aforesaid counties.

VII. And be it further Enacted by the authority aforesaid, That George Bell, Francis Prince, Benjamin Harden, senior, Jacob Pennington and George Nevell, the survivor or survivors, be and they are hereby impowered and directed, to agree with some persons to build a court-house, prison and stocks for the county of Tennessee, at such place as they shall agree upon: And for reimbursing the said commissioners the money they shall expend in erecting the said buildings, and running the said dividing line.

VIII. Be it further Enacted, That a tax of one shilling and six pence on each poll, and a tax of six pence on each and every hundred acres of land within the said county of Tennessee, for two years from the passing of this Act, shall be collected by the collectors of the said county in the same manner, and under the same rules and regulations as public taxes, and on failure, such collectors shall be subject and liable to the same penalties and mode of recovery as the collectors of public taxes, and the said collectors shall pay the same into the hands of the commissioners for erecting the court-house, prison and stocks, on or before the first day of August in each year, after deducting three per cent: And the said collectors, on failure to account for the aforesaid monies, shall be subject to the same penalties as on failure or neglect to account for and pay the public taxes; and the said commissioners are required to proceed against them for the recovery thereof.

CHAPTER XXIX.

An Act to Annex Part of the County of Washington to Sullivan.

Whereas the annexing a part of the county of Washington to Sullivan, will tend greatly to the ease and convenience of those inhabiting the same:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the pasing of this Act, all that part of Washington county included within the following bounds, viz.: Beginning at the head of Indian Creek where the line divides Washington and Sullivan counties, thence a strait line south of David Hughes's, thence a strait line south of Francis Hodge's to the Walagea river, thence down the meanders of said river to its junction with Holston river, thence up the line which divides Washington and Sullivan counties to the first station, be and the same is hereby annexed to, and shall be and remain a part of the county of Sullivan: Provided, That nothing in this Act shall be understood to prevent the sheriff of the county of Washington to collect all public taxes now due in that part of the county which comes within the description of this Act.

II. And be it further Enacted by the authority aforesaid, That James Stuart and George Vincent, be and they are hereby appointed commissioners for the purpose of running the said line from the head of Indian creek, agreeable to the directions of this Act; which said line, when run by the commissioners shall be by them entered on record in the court of each county, and the same shall be deemed and taken to be the line as intended by this Act.

CHAPTER XXX.

An Act to Empower the Commanding Officers of the Counties of Greene, Washington, Sullivan and Hawkins to Erect a Station on the North Side of the River Tennessee, for the Protection of the Frontiers, and to Insure Safety to Travellers on the New Road to the Cumberland Settlements; Also to Empower the County Court of Moore to Lay a Tax for Repairing the Public Buildings of the Said County.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commanding officers of the said counties, or a majority of them, shall have power and authority to fix on a proper place on the north side of Tennessee river, for establishing a station for the aforesaid purposes.

II. And be it Enacted, That a guard consisting of a captain, one lieutenant, one ensign and thirty-three non-commissioned officers and privates, to be kept at the said station so fixed for the term of one year; the officers to be appointed by the said commanding officers of the said counties, or a majority of them, and the men to be raised from the respective counties by voluntary inlistment, or an equal indiscriminate draft.

III. And be it Enacted, That the said guard shall be subject to the same rules and regulations as established by the militia law, and have the same pay and rations; and that the said commanding officers, or a majority of them, shall be and are hereby authorised, empowered and required to appoint some one person commissary and paymaster to said guard, who shall enter into bond with good and sufficient security in the sum of five thousand pounds for the faithful discharge of his office, which bond and security shall be approved of by the judge of the district of Washington, and be deposited

in the office of the secretary of State; whereupon the Governor may and is hereby directed to issue warrants in favour of the person so appointed paymaster and commissary, for the pay and rations of the said guard, on the public treasurer, payable out of the funds arising from the taxes of the said four counties of Greene, Washington, Sullivan and Hawkins, and out of no other fund whatever: Provided the price of the ration shall not exceed one shilling per day: Provided nevertheless, That nothing in this Act contained, shall be construed to prevent the Governor of this State from disbanding the aforesaid troops at any time he with the advice of the Council of State may think proper.

IV. And be it further Enacted by the authority aforesaid, That it shall and may be lawful for the county court of Moore, to lay a tax for two years successively on the inhabitants of the said county, for repairing the public buildings, not exceeding one shilling on every poll, and a tax of four pence on every hundred acres of land, to be collected and accounted for as other county taxes; any law to the contrary notwithstanding.

CHAPTER XXXI.

An Act to Amend an Act, Entitled "An Act to Establish a Superior Court of Law and Equity in the County of Davidson," and for Erecting the Said County of Davidson, and the Counties of Sumner and Tennessee Into a Separate District.

Whereas it is doubted whether the jurisdiction of the said court extends to the counties of Sumner and Tennessee: And whereas it is necessary such doubt should be removed:

I. Be it Enacted, That the jurisdiction of the said court shall extend as fully in all respects in and over the said counties of Sumner and Tennessee, as in and over the county of Davidson.

II. And be it Enacted, That the said three counties are hereby erected into a separate district by the name of Mero; and that the superior court of law and equity in the said district of Mero, shall be held at the same time and place, and in the same manner as the superior court of law and equity is directed to be held by the aforesaid Act in the county of Davidson.

III. And be it Enacted, That the person at present holding and exercising the office of judge of the superior court of law and equity in the county of Davidson, is hereby declared to be continued Judge of the superior court of law and equity in and for the district of Mero.

CHAPTER XXXII.

An Act for Appointing an Additional Judge of the Superior Court of the District of Morgan, and for the Relief of Persons Who Have or May Hereafter Forfeit Their Recognizances in the Superior or County Courts.

Whereas the non-attendance of some of the judges at the superior court of law and equity in the district of Morgan, hath been represented to this General Assembly as a great grievance to the inhabitants of said district; and from the great distance and local circumstances of said judges, it appears impracticable to get them to attend the said court: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That in addition to the judges of the superior court of law and equity already appointed in this

State, a judge shall be nominated and appointed by the General Assembly for the superior court of law and equity for the district of Morgan, who shall and may exercise the same powers and authorities, and be entitled to the same pay, privileges and emoluments within the said district, as the other judges of the superior court of law and equity in this State hold, exercise and enjoy; any law, custom or usage to the contrary notwithstanding.

And whereas application hath often been made to the General Assembly by persons who have forfeited their recognizances, and conceive they have reason to pray relief therein:

II. Be it Enacted by the authority aforesaid, That the judges of the superior court in their several districts in court are hereby fully authorised and empowered to receive, hear and determine on the petition or petitions of all persons who may conceive they merit relief on their recognizances forfeited, and to lessen or absolutely remit the same, and to do all and everything therein as they shall deem just and right, and consistent with the welfare of the State as well as the persons praying for such relief; which power shall extend to the relief of those persons against whom final judgment hath been entered, and execution awarded accordingly.

III. And be it further Enacted by the authority aforesaid, That the several county courts of pleas and quarter sessions in this State, shall have power to remit or mitigate all fines by them inflicted, and all forfeitures on recognizances, previous to entering final judgment thereon; provided a majority of the justices in the said county be present when such remittance or mitigation shall be made: Provided also, That if any person or persons shall be dissatisfied with the judgment or decree of any county court entering final judgment against him or them on forfeited recognizances, shall be entitled to an appeal to the superior court of the district, under the same rules and regulations of other appeals; which superior court is hereby authorised to determine on the premises as in other cases in this Act directed: Provided, That nothing contained in this Act shall be construed to debar the county solicitor or attorney for the State from appealing on any judgment given, wherever he shall conceive the State has been injured, but that in all such determinations he is hereby expressly required to pray an appeal, which the said court shall grant accordingly.

CHAPTER XXXIII.

An Act to Amend an Act, Entitled, "An Act for the Regulation of the Town of Hillsborough.

Whereas it is the interest of every State to regulate the police of its towns and encourage their trade, and the laws heretofore made for regulating the town of Hillsborough having proved defective:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the commissioners for the said town heretofore chosen and qualified agreeable to law, and their successors, shall have full power from time to time and at all times, to make such rules, orders, regulations and ordinances as to them shall seem meet, for repairing the streets, appointing a town constable or constables, watches or patroles, and making proper allowances by fees or otherwise for such services, and for all other necessary rules, orders, regulations and ordinances which may tend to the advantage, improvement and good government of said town; and the said rules, ordi-

nances and regulations from time to time to alter, change, amend and discontinue, as to the said commissioners or a majority of them shall appear necessary; and also to have ample powers to enforce a compliance and obedience to such regulations, by laying fines and penalties on those who shall refuse or neglect to conform to such rules and regulations, not exceeding five pounds, and in case of slaves, the punishment not to exceed thirty-nine lashes; the said fines to be recovered and the punismment inflicted in manner hereafter mentioned: Provided, That such rules and regulations are not inconsistent with the laws of the land.

And whereas it is the proper office of the said commissioners to make bye-laws and regulations for the government of said town, and it has been inconvenient and often impracticable to call together the said commissioners for the immediate purpose of punishing offenders, whereby the said regulations are never properly carried into effect: For remedy whereof,

II. Be it Enacted by the authority aforesaid, That a proper person shall be elected at the same time, and in the manner directed by law for electing commissioners, who shall be called the magistrate of police for said town, whose duty it shall be to enforce obedience to the laws and punish offenders, and shall be and is hereby authorized to issue his warrant against the laws, rules and ordinances made and provided for the regulation of the said town, to appear before him, and on their conviction, which shall be in the same manner as trials before justices of the peace, the said magistrate is hereby authorised and required to give judgment and award execution, agreeable to the laws, rules and ordinances provided for the government of the said town, which warrant or execution the sheriff or constable is hereby required to execute; and on such trial the said magistrate is hereby authorised and declared to possess all the necessary power to administer oaths, and subpoena and examine witnesses, and shall take the following oath before he enters into the execution of his office: "I, A. B. do solemnly swear, that as a magistrate of police for the town of Hillsborough, I will do equal right in all cases whatsoever, to the best of my judgment, and according to the laws, rules and ordinances made for the government of the said town; all fines and amercements which may happen to be made, I will cause to be duly returned to the proper officer; and in all things belonging to my office, during my continuance therein, I will faithfully, truly and justly, according to the best of my skill and judgment, do equal and impartial justice." Provided always, That where any person shall think him or herself aggrieved by the judgment of the said magistrate of police, such person shall have the right of appealing from the said judgment, to the court of pleas and quarter sessions held for the county of Orange.

III. And be it further Enacted by the authority aforesaid, That the Commissioners of the said town shall have full power, at their first meeting after the annual election, to lay a tax not exceeding four shillings on every hundred pounds value of taxable property within the said town, agreeable to the valuation made for public taxes for the preceding year, and four shillings on every poll, and four shillings on each and every lot claimed or held by any person whereon there is not a house of the dimensions required by law for saving lots in the said town, and for every carriage wheel of pleasure the sum of two shillings and six pence; the polls, lots and wheels to be ascertained in such manner as the Commissioners may direct; and the said Commissioners shall appoint a Collector or Collectors to collect the same, under the same rules and restrictions, pains and penalties, as Collectors of the public tax for non-payment thereof,

IV. And be it further Enacted by the authority aforesaid, That all acts and clauses of acts that come within the purview and meaning of this act, shall be and the same are hereby repealed and made void.

CHAPTER XXXIV.

An Act to Encourage the Building of Iron Works in this State.

Whereas it appears to the General Assembly, that several places in this state are advantageously situated for the building of iron-works; and in order to encourage any person or persons who will undertake and erect the same:

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That three thousand acres of vacant land, not fit for cultivation, most convenient to the different seats, is hereby granted for every set of iron-works, as a bounty from this state, to any person or persons who will build and carry on the same; to be under the following rules and regulations, viz: Where any person or persons intend to build iron-works, such person or persons may proceed to the Entry-taker of the county where he intends to erect such works, and enter in one or more tracts the quantity of bounty land allowed by this Act for one set of works; and the Entry-taker or Entry-takers is and are hereby required to make out a copy of the land entered as aforesaid, and transmit the same to the next court that shall be held in the county in which he or they are Entry-takers.

II. And be it further Enacted by the authority aforesaid, That the court of any county in this state, upon receiving the return of the Entry-taker for the land as aforesaid, such court shall proceed to appoint a jury consisting of twelve persons who are of good character; and the jury so appointed shall proceed to view the land in their county entered as aforesaid, and if they shall adjudge the land so entered not fit for cultivation, they shall certify the same in writing, and return the certificate to the next court held in their county, and the court upon receiving such return, shall cause the certificate to be recorded by the Clerk.

III. And be it further Enacted by the authority aforesaid, That if any person or persons who may enter land agreeably to this Act, shall erect iron-works within the term of three years from the time of the jury's return, such person or persons, on making it appear to the court of the county that he or they have made at said works five thousand weight of iron, shall receive an order to the Entry-taker, requiring him to issue the warrants for the bounty land.

IV. And be it further Enacted by the authority aforesaid, That such Entry taker upon receiving such order, shall proceed to issue warrants for the lands granted by this Act, without receiving any money for the state; and the surveyor upon receiving such warrants, shall proceed to survey the same as soon as convenient, and make return to the Secretary's office, that grants may issue for the same; and such grant or grants shall be as good and valid to the proprietors of such works, their heirs or assigns, as if the purchase money had been paid: Provided nevertheless, That if any person or persons shall enter land in pursuance of this act, and fail to erect iron-works according to the true intent and meaning thereof, the land so entered shall revert to the state, unless the person who has entered the same pays the purchase money for the use of the state.

V. And be it further Enacted, That the bounty lands granted by this Act shall be exempted from taxation for the term of ten years.

CHAPTER XXXV.

An Act to erect and Establish an Academy in the County of Richmond.

Whereas the establishing an academy in the said county for the education of youth will be attended with great advantages to the state in general, and the county of Richmond in particular:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Henry William Harrington, Thomas Dockerg, Thomas Crawford, Miles King, Edward Williams, Matthew Covington, Israel Sneed, John Howard, William Thomas, William Love, Dudley Mask and William Hunter, Senior, Esquires, be and they are hereby constituted and appointed trustees, with full power and authority to receive into their hands and possession, all monies and other property which have been or hereafter may be subscribed for the purpose of erecting an academy in the county aforesaid by the name of Richmond academy; and the said trustees and their successors shall be able and capable in law, to ask for and demand, receive and possess of the several subscribers, all sums by them respectively subscribed, and in case of refusal of any of them to pay the same, to sue for and recover by action of debt or otherwise in the name of the trustees, the sum which such person so refusing shall have subscribed, in any jurisdiction having cognizance thereof; and the monies when collected and received, to be applied by the said trustees or a majority of them towards paying for repairing the house, to contract with and employ a tutor or tutors, and to perform every act or thing that they or a majority of them shall think necessary and expedient for the advancement of the said academy, and the promotion of learning therein.

II. And be it further Enacted by the authority aforesaid, That the trustees herein before mentioned shall, previous to their entering on the execution of the trust reposed by this Act, give bond to the court of the said county, payable to the Chairman and his successors, in the sum of one thousand pounds specie, with condition that they shall well and faithfully account for and apply all gifts, donations, bequests and monies which they may receive of and by virtue of this Act, for the purposes aforesaid.

III. And be it further Enacted by the authority aforesaid, That if any of the trustees by this Act appointed shall die, refuse to act, or remove away, that he cannot attend to the duties of his appointment, the remaining trustees may appoint another or others in his or their stead, who shall exercise the same powers as trustees appointed by this act, and when met together in said county, shall have power and authority to elect and constitute one or more tutor or in tutors and a Treasurer, and also to make and ordain such rules and regulations, not repugnant to the laws of this state, for the well ordering of the students, their morals, studies and academical exercises, as to them shall seem meet, and to give certificates to such students as shall leave said academy, certifying their literary merit; provided they shall not on any account confer any degree, such as Bachelor or Master of Arts or Doctor in any faculty; in general they shall and may do all such things as are usually done by bodies corporate and politic, or such as may be necessary for the promotion of learning and virtue; and the said trustees or a majority of them are hereby empowered, and shall have

lawful authority to remove the tutor or tutors, Treasurer or any of them, if they shall find it necessary, and on the death, resignation or refusal to act of any of them, to appoint and elect others in the stead of those displaced, dead or refusing to act.

IV. And be it further Enacted by the authority aforesaid, That the trustees by this act appointed, or a majority of them and their successors, shall meet annually on the first Monday in January in each and every year, or at any other time they may find more convenient, and elect a proper person out of their own body to preside for the term of one year, who may convene the trustees at any time he may find it necessary: Provided always, That he shall give ten days previous notice of such meetings; and that the President and Treasurer shall be chosen on the first Monday in January, unless in cases of unavoidable accident.

V. And be it further Enacted by the authority aforesaid, That the Treasurer of the said board or trustees shall enter into bond with sufficient security to the trustees, conditioned for the faithful discharge of the trust reposed in him by this act; and that all monies and chattels that shall be in his hands at the expiration of his office, shall be immediately paid into the hands of the succeeding Treasurer; and every Treasurer shall receive all monies, donations, gifts, bequests and charities that may belong or accrue to said academy during his office, and at the expiration thereof, shall account with the trustees or a majority of them for the same; and on refusal or neglect to pay and deliver as aforesaid, the same mode of recovery may be had against him, as is or may be provided for the recovery of money from Sheriffs or other public officers. Provided nevertheless, That the said academy shall not be considered as one of the seminaries of learning intended by the constitution.

CHAPTER XXXVI.

An Act for Dividing the County of Rowan.

Whereas the extent of the county of Rowan renders it inconvenient and troublesome to many of the inhabitants thereof to attend the courts, annual elections, juries and other public meetings therein:

I. Be it Enacted by the General Assembly of the state of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, the said county of Rowan shall be divided by a line beginning where Coddle Creek enters Mecklenburg, and running up the east fork of said creek to the road leading from Beatie's Ford to Salisbury, from thence a strait course to Alexander M'Korkle's, Senior, from thence to the south fork of the Yadkin River at the mouth of a branch in Margaret Dobbin's Meadow, and from thence due north to the Surry line; that all that part of the said county of Rowan lying westwardly of the said dividing line, shall thenceforth be erected into a new and distinct county by the name of Iredell. And for due administation of justice:

II. Be it Enacted by the authority aforesaid, That a court for the said county of Iredell shall be held constantly by the Justices thereof on the fourth Mondays in March, June, September and December; and the Justices for the said county of Iredell are hereby authorized and empowered to hold the first court for the same at the house of William Durfreg, and all subsequent courts for said county on the days above appointed for holding courts therein, at any place to which the said Justices shall from court to court adjourn themselves, until a court-house shall be built for the said county of

Iredell, and then all causes, matters and things depending in the said court, and all manner of process returnable to the same, shall be adjourned to such court-house; and all courts held in and for the said county of Iredell shall be held by commission to the said justices, in the same manner, and under the same rules and restrictions, and shall have and exercise the same powers and jurisdiction, as are or shall be prescribed for other courts held for the several counties in this state.

III. And be it further Enacted by the authority aforesaid, That nothing herein contained shall be construed to debar the late Sheriff and Collectors of the said county of Rowan, as the same stood undivided, to make distress for any levies, fees or other dues now actually due and owing from the inhabitants of the said county as it formerly stood undivided, in the same manner as by law the said sheriff or collectors could or might have done if the said county had remained undivided, and the said levies, fees and other dues shall be collected and accounted for in the same manner as if this act had never been made; any thing herein contained to the contrary notwithstanding.

IV. And be it further Enacted by the authority aforesaid, That after the passing of this act the said county of Iredell shall be, continue and remain part of the district of the Superior Court of Law and the Court of Equity usually held for the district of Salisbury; and the county Treasurer of the said county of Iredell, shall from time to time account for and pay to the Treasurer of this state for the time being, all public levies by him collected, or wherewith he shall be chargeable, in the same manner, and under the like pains and penalties as other county Treasurers.

V. And be it further Enacted by the authority aforesaid, That James Kerr, Esquire, Edward Harris, John Brawley, Senior, and Baswell Gaiter, Esquires, be appointed Commissioners; and they are hereby empowered and required to run the said dividing line between the said counties of Iredell and Rowan, agreeable to the directions of this Act; which said line, when run by the Commissioners, or a majority of them, shall be by them entered on record in the court of each of the said counties, and shall thereafter be taken and deemed to be the dividing line between the said counties of Rowan and Iredell.

VI. And be it further Enacted by the authority aforesaid, That George Davidson, Christopher Houston, Joseph Sharpe, Jeremiah Nielson and John Nisbett, the survivor or survivors of them, be and they are hereby empowered and directed, to agree and contract with workmen for erecting and building a court-house, prison and stocks for the use of the said county of Iredell, at such place as they or a majority of them, or their survivors, shall agree upon: And for reimbursing the said Commissioners the money they shall expend in erecting the said buildings, and running the dividing line between the said counties,

VII. Be it further Enacted by the authority aforesaid, That a tax of sixpence on every hundred acres of land, and a tax of eighteen pence on each poll, shall be and is hereby assessed on the taxable property in the said county of Iredell for two years, to commence from the passing of this act; and that all persons who shall refuse or neglect to pay the said tax at the time limited for the payment of public taxes, shall be liable to the same penalties and distress as for non-payment of public taxes; and the Collectors of the said county are hereby required and directed, to account for and pay the monies by them so collected to the Commissioners aforesaid, after deducting two and a half per cent. for their trouble in collecting the same; and in case of failure or neglect in any of the said Collectors, such Collector

so failing or neglecting, shall be liable to the same penalties and recoveries, as by law may be had against Collectors of public taxes in like cases.

VIII. And be it further Enacted by the authority aforesaid, That all manner of suits, causes and pleas, whether civil or criminal, now commenced and depending in the county court of Rowan, shall continue and may be prosecuted to a final end and determination; any thing in this Act to the contrary notwithstanding.

IX. And be it further Enacted by the authority aforesaid, That the court of the said county of Iredell shall appoint six jurors to attend at every Superior Court that shall be held for the said district.

CHAPTER XXXVII.

An Act to empower the County Court of Cumberland to appoint Inspectors for the Ware-House built in Fayetteville by Roberson Mumford and James Porterfield, established by Act of Assembly, passed the twenty-ninth Day of December, One Thousand Seven Hundred and Eighty-five.

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Cumberland are hereby authorized and required to appoint two Inspectors to the said ware-house, subject to the same rules, regulations, fines and forfeitures, and entitled to the same privileges as other Inspectors heretofore appointed by the county court: Provided, That the said two Inspectors to be appointed in virtue of this Act, shall not be the same persons who are the Inspectors at the warehouse of Thackston and Company.

II. And be it further Enacted by the authority aforesaid, That no preference shall be given by the said court to any established ware-house erected in Fayetteville; any law, usage or custom to the contrary notwithstanding.

III. And be it further Enacted, That the Sheriff of the county of Cumberland is hereby empowered and required, to summons a majority of the Justices of the said county to meet on the second Monday of December next, in order to appoint two inspectors to the ware-house of Mumford and Porterfield aforesaid; who shall continue until the next county court of Cumberland, and be subject to the same restrictions as other Inspectors of tobacco at public ware-houses: Provided, That all the Justices of the said county of Cumberland, shall be entitled to sit and vote on the appointment to be made on the second Monday in December aforesaid.

CHAPTER XXXVIII.

An Act to amend an Act, entitled "An Act for the better regulation of the Town of Fayetteville," passed at Tarborough, in November, one thousand Seven Hundred and Eighty-seven.

Whereas several necessary regulations have been omitted in the above recited Act: For remedy whereof,

I. Be it Enacted by the General Assembly of the state of North Carolina, and it is hereby Enacted by the authority of the same, That when any person shall be appointed by the Commissioners of the said town to collect the tax or taxes thereof, he shall prior to entering on the execution of his office, enter into bond with sufficient security in the sum of two hundred pounds to the Commissioners of the said town, and their successors in office, for the faithful discharge of his duty; and in case the person so ap-

pointed shall refuse to serve, or fail to give security as aforesaid, the said Commissioners shall proceed to nominate and appoint any other person who may be willing to act, and enter into bond with security in manner as aforesaid; and the Collector so appointed shall and is hereby empowered, directed and required to collect the said taxes, and pay the same to the Treasurer of the said town, on or before the first day of May in each and every year, after deducting five per cent. commissions for his trouble in making such collection; and if any such Collector shall neglect or refuse to account for on oath, and pay the several taxes wherewith he is chargeable according to the directions of this act, it shall and may be lawful for the Superior Court of Fayetteville district, or the county court of Cumberland, on motion of the Commissioners aforesaid, or a majority of them, or on motion of the Treasurer of the town aforesaid on their behalf, to enter up judgment against such Collector and his securities, for all monies wherewith he shall or may be chargeable to said town, with costs of suit, and thereupon to award execution against the goods and chattels, lands and tenements, or against the body of the said Collector, and his securities: Provided always, That the said Collector shall have ten days notice previous to such motion being made.

II. And be it further Enacted by the authority aforesaid, That the Commissioners of the said town shall annually lay and levy a tax, not exceeding four shillings on every hundred pounds value of taxable property within said town, and a proportionable poll tax on all persons who do not possess in said town the value of one hundred pounds taxable property; and all persons having resided six months within the limits of said town, shall be considered as subject to such taxes.

And whereas several of the inhabitants of said town have erected wooden chimneys, whereby fire may be communicated, to the great danger of the buildings and other property of the citizens thereof:

III. Be it Enacted by the authority aforesaid, That the Commissioners for said town shall be and they are hereby empowered and required, to direct all such person or persons to remove such nuisances, under the penalty of ten pounds for each and every such offence, neglect or refusal, to be recovered by warrant under the hand and seal of the said Commissioners or the Magistrate of Police of said town, directed to any person by them appointed, which money shall be paid into hands of the Treasurer of said town; and such person so offending shall be further liable to pay all damage which shall or may arise therefrom, provided that no person shall be subject to this penalty until the Commissioners shall have made publication of this regulation for the space of six months at the door of the court house of the county of Cumberland.

IV. And be it further Enacted by the authority aforesaid, That the Commissioners of the said town shall annually in the month of December, publish an accurate list of the monies levied and collected, and also of all monies they may have received, either by fines, donations or otherwise, for the use of the said town; together with an account of each sum expended, to whom paid and for what purpose; together with an account current, in which shall be stated the balance remaining in their hands if any; and the Commissioners failing to comply with the same, shall forfeit and pay the sum of fifty pounds for each and every offence, to be recovered by any person (who shall sue for the same within twelve months after the commitment of such offence) before any court of record having cognizance thereof, one half to the use of the prosecutor, the other half to be paid to the Treasurer of the town aforesaid for the use of the said town; which sum or

sums shall be levied on the proper goods and chattels, lands and tenements of the said Commissioners or either of them.

V. And be it further Enacted by the authority aforesaid, That so much of the before recited act as comes within the purview and meaning of this Act, is hereby repealed and made void.

CHAPTER XXXIX.

An Act to amend an Act, entitled "An Act for the Promotion of Learning in the District of Wilmington."

Whereas an act for the promotion of learning in the district of Wilmington, made and ratified at Hillsborough, the seventeenth day of May, one thousand seven hundred and eighty-three, is in many respects defective, and several of the Trustees therein named being dead or left the state, and the remainder being a bare majority being too much dispersed to meet with convenience at any one place, the said act cannot be carried into effect; by reason of which the testamentary donation of the late James Innes, Esquire, is in danger of being lost: For remedy whereof,

I. Be it Enacted by the General Assembly of the state of North Carolina, and it is hereby Enacted by the authority of the same, That the Trustees shall consist of not less than twenty and not more than thirty members, and that Thomas Clark, John Fergus, John Huske, James Read, Joshua Potts, Frederick Jones, John Swann, John Ablin Campbell, Thomas Craike, Thomas Wright, John Pugh Williams, Henry Watters, Thomas Maclaine, John Hill, John M'Kenzie and Thomas Younger, be and they are hereby appointed Trustees of Innes Academy, jointly with the surviving Trustees now in this state appointed by the before mentioned act; and that the said Trustees shall be a body politic and corporate, and by the name and title of the President and Trustees of Innes Academy shall have perpetual succession, and by the same name shall sue and be sued, plead and be impleaded in all courts whatsoever, and their common seal affixed to any instrument or testimonial, shall be legal testimony in any suit in law or equity.

II. And be it Enacted by the authority aforesaid, That the said Trustees, or a majority of them, by the name, style and title of the President and Trustees of Innes Academy, shall have full power and authority from time to time, as they shall see fit and reasonable, to make rules, ordinances and bye-laws as to them may appear necessary, for the order and good government of the said academy, and the teachers and students thereof, as well as for the regularity of their proceedings; and such rules, ordinances and bye-laws to alter and change as to them shall seem expedient: Provided always, That such rules, ordinances and bye-laws shall be reasonable, and not inconsistent with the constitution of the state.

III. And be it Enacted, That the Trustees by this and the before mentioned act, or a majority of them being met together, shall have full power and authority at their first meeting, or at any subsequent general meeting, if they should deem it necessary, to elect by ballot a sufficient number of persons to be Trustees to make the whole number as aforesaid; and if any Trustee shall absent himself at two successive general meetings, without assigning a sufficient cause for so doing, he shall be considered as having voluntarily withdrawn himself as a Trustee, and his place shall be supplied by a new choice; and no Rector, Professor or Tutor shall be liable to militia duty; provided there are not more than three employed in teaching one branch

of literature; nor shall any student of the said academy be obliged to attend at any militia musters.

IV. And be it further Enacted by the authority aforesaid, That exclusive of a President the said Trustees shall choose at their first meeting not less than three Vice-Presidents, and every Trustee who shall have been a President, shall be considered afterwards as one of the Vice-Presidents; and at any meeting where the President shall happen to be absent, the Vice-President who shall first appear at that meeting shall preside for the time.

V. And be it also Enacted, That the said Trustees may choose a Treasurer without limitation of time, but may remove him at pleasure; but before such Treasurer shall enter upon execution of his office, he shall give bond to the President and Trustees in double the value which he may be authorized to receive, and so from time to time as he may be empowered to receive monies, subscriptions, rents or donations, with a condition thereto underwritten, that he well and faithfully pay and account for the same whenever thereto demanded; a copy of every which bond shall be certified by the Secretary for the time being, and shall be acknowledged in the court of New Hanover county, where the Clerk shall file the same, and be entitled to demand and receive a fee of ten shillings for so doing.

VI. And be it further Enacted, That the first meeting of the said Trustees shall be in the town of Wilmington, on the first day of January after the passing of this Act; and all future meetings shall be in the said town until a proper building shall be erected for the academy, and a convenient chamber can be spared for the Trustees, and then the meetings shall be held in the academy; and any three members residing in the town giving notice to the other Trustees to attend the first meeting, shall be of equal force as if the officers were chosen: Provided always, That after the first meeting the President and Trustees shall be authorized to empower any less number than a majority of the whole, to do and perform such acts as they shall deem necessary, so that the funds of the academy shall not be disposed of, or the salaries of the teachers enhanced or diminished: Provided, That they shall not on any account grant degrees or titles, such as Bachelor or Master of Arts, or Doctor in any faculty; Provided also ,That nothing herein contained shall be construed so as to make this one of the academies mentioned in the constitution of this state.

CHAPTER XL.

An Act to Annex Part of Brunswick County to the County of New Hanover.

Whereas it is represented to the General Assembly, that the inhabitants of Brunswick county, who reside in the fork of Black river and the north west branch of Cape Fear River, suffer many inconveniences in performing their public duties, having to cross the North west River, which in time of freshes is difficult, if not impracticable: For Remedy whereof,

I. Be it Enacted by the General Assembly of the state of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, all that part of the county of Brunswick which lies in the fork of Black River and the North West as far as the Bladen line, shall hereafter be annexed to the county of New Hanover; any law, usage or custom to the contrary notwithstanding: Provided nevertheless, That nothing herein contained shall prevent the Sheriff or Collectors of Brunswick county from collecting the taxes due, or from suits commenced to be prosecuted to final issue in said county.

CHAPTER XLI.

An Act to enable John M'Gee to Inherit and Recover the Estate of his Reputed Brother, Jesse Steed, deceased.

Whereas it is represented to this General Assembly, that Jesse Steed, late of Guilford county, deceased, in his life time and at the time of his death was entitled to a considerable real estate, besides some personal property, and that the said Jesse Steed departed this life in or about the month of May, one thousand seven hundred and eighty-seven, intestate, without leaving any wife or issue, and that administration of the goods and chattels, rights and credits of the said Jesse Steed, was afterwards granted by the county court of Guilford to one James Bohanan, who claimed the same as the greatest creditor of the said deceased: And whereas it having been made appear to this General Assembly that the said Jesse Steed was an illegitimate son born of the body of one Elizabeth Steed, and has left no kindred who can legally succeed to his estate, but has left his reputed brother John M'Gee, of Brunswick county, in Virginia (also a son of the said Elizabeth) but born in wedlock during her coverture with Michael M'Gee, whom it is reasonable to suppose the said Jesse Steed might have preferred in case he had made a will: And whereas it has likewise been made appear, that the said Elizabeth bore two other children, to wit, Moses and Michael M'Gee, and no more, and afterwards died; that the said Moses died without issue, and the said Michael removed himself towards South Carolina about thirteen years ago, and it is not known by his relations whether he is living, or whether he had issue or not:

I. Be it therefore Enacted, That the said John M'Gee be henceforth considered as next of kin to the said Jesse Steed, deceased; and that he the said John M'Gee, be and he is hereby empowered and enabled, in his own name to ask, demand, sue for, recover and receive all the estate both real and personal whatsoever of the said Jesse Steed, to which the said Jesse Steed, at the time of his death, was or might be entitled either in law or equity; and that all such real and personal estate be, and it is hereby fully and absolutely vested in the said John M'Gee, his heirs and assigns forever; except such part of the personal estate as has been or may be legally administered and appropriated to the paymaster of demands against the said estate; provided, That he enter into bond with security in the county court aforesaid, to surrender one half of the said estate to Michael M'Gee the younger, or his heirs, if he or they should appear and claim the same, after deducting all reasonable expences by him incurred in the management of the said estate; and the said court of Guilford county is hereby authorized and directed to take bond as aforesaid, and cause the same to be filed of record.

CHAPTER XLII.

An Act for erecting a Town on the Lands of Thomas Douggan, in Randolph County.

Whereas it hath been represented to this General Assembly, that a town in the county of Randolph, on the lands of Thomas Douggan, at the courthouse in said county, would be conducive to the interest of the said county; and the said Thomas Douggan having signified his consent to have one hundred acres of the said land laid off for a town:

I. Be it therefore Enacted by the General Assembly of the State of

North Carolina, and it is hereby Enacted by the authority of the same, That the said one hundred acres of land be laid out in lots containing one acre each, and streets accordingly; and the same is hereby constituted and established a town by the name of Johnstonville.

II. And be it further Enacted by the authority aforesaid, That from and after the passing of this Act, Jeduthun Harper, Jesse Hendley, Samuel Millikin, William Bell and Zebedee Wood be and they are hereby appointed Commissioners and Trustees, for designing, building and carrying on the said town; and they shall stand seized of an indefeasible estate in fee simple to the said one hundred acres of land in trust, for the uses and purposes herein expressed; and they or a majority of them shall have full power to meet as often as they shall think proper, to lay off the said lots, with proper and convenient streets, lanes and alleys, each lot to be ten poles in front and sixteen poles back, and cause a plan of the said town to be made, and insert therein the marks and numbers of each lot: Provided always, That nothing in this act shall be construed to grant powers to the Commissioners and their successors, to dispose of such lot or lots within the limits of the said town, as have been sold or disposed of by the said Thomas Douggan or Stephen Rigdon; nor such as the said Thomas Douggan has reserved for himself and built thereon.

And whereas there are five acres of land whereon the court-house, prison and stocks do stand belonging to the said county, and conveyed by deed from Stephen Rigdon for the use of the said county; which is more than sufficient for the public buildings of said county, and will be very inconvenient in or near the center of the said town:

III. Be it therefore Enacted by the authority aforesaid, That the said Commissioners are hereby authorized and required, to lay off two acres of the said land in the most convenient manner, to include the public buildings of the said county; and the remaining three acres to lay off as part of the said town, and sell such lots or parts of lots to the highest bidder, and the monies arising therefrom to be paid by the said Commissioners into the hands of the county Trustee, for the use and benefit of the said county: Provided always, That where any lot or lots shall contain part of the aforesaid three acres of land and part of the land hereby granted by the said Thomas Douggan, that such part shall be sold by the Commissioners to the highest bidder, and they shall pay to the said Thomas Douggan for such parts of lots, one half of the money arising from such sale, and the residue shall be applied to and for the use of the said town.

IV. And be it further Enacted by the authority aforesaid, That as soon as the said town shall be laid off as aforesaid, the said Commissioners shall have full powers to take subscriptions for the said lots; and when they shall have taken subscriptions for fifty lots or more, they shall appoint a day by giving public notice of the time and place for drawing for the said lots, which shall be done by ballot in a fair and open manner, in the presence of the Commissioners or a majority of them; and each subscriber shall be entitled to such lot as shall be drawn for him, to correspond with the mark and number contained in the plan of the said town; and the said Commissioners or a majority of them shall execute a deed in fee simple for such lots to the subscribers, their heirs and assigns forever, at the costs and charge of the grantees.

V. And be it further Enacted by the authority aforesaid, That each subscriber shall within one month after drawing as aforesaid, pay to the said Commissioners the sum of five pounds ten shillings current money for each lot, and in case of neglect to pay the same, the said Commissioners

shall prosecute a suit or suits for the recovery thereof, and shall recover judgment for the same with costs of suit; and the said Commissioners shall, as soon as they receive the said monies, pay unto the said Thomas Douggan the sum of five pounds for each lot, in full satisfaction for the said land, and the remaining ten shillings for each lot, to be applied towards defraying the expences in laying off and improving the said town, in such manner as they or a majority of them may direct; and in case of the death, removal out of the county, or refusal to act of any of the said Commissioners, the survivor or survivors of them are hereby empowered to appoint another or others in his or their stead.

VI. And be it further Enacted by the authority aforesaid, That the said Commissioners shall keep a well bound book, wherein shall be entered their proceedings; and they shall appoint a Clerk and Treasurer for said town, who shall enter into bond with sufficient security to perform their several offices.

CHAPTER XLIII.

An Act to Amend an Act, entitled "An Act to amend an Act, entitled An Act to remove all Disabilities from Simon Cleary, and others therein named."

Whereas by an act, entitled "An Act to amend an Act, entitled An Act to remove all disabilities from Simon Cleary, and others therein named," passed last General Assembly at Tarborough, it is inserted and set forth in the preamble of the said act, that the benefits intended for the persons therein named, were extended to them on account of their inability to come into this State within the time limited by the act passed in November, 1784, commonly called the confiscation act, instead of December, one thousand seven hundred and seventy-seven; and instead of saying that a further provision be made for the relief of the said Simon Cleary, it is mentioned to be for his life, contrary to the intention of the legislature, and inconsistent with the enacting clauses of the said act: Therefore to carry the intention of the General Assembly into effect, and to prevent the said act from being misconstrued:

I. Be it Enacted by the General Assembly of the state of North Carolina, and it is hereby Enacted by the authority of the same, That the said emendatory act passed at Tarborough as aforesaid, shall operate as fully, amply and forcibly as if the words December, one thousand seven hundred and seventy-seven, had been expressed instead of the word and figures November, 1784, and the word relief instead of the word life; and the said act shall be so understood, construed and expounded, and in the same manner as if the words December, one thousand seven hundred and seventy-seven had been therein expressed instead of the word and figures November, 1784, and as if the word relief had been therein expressed instead of the word life as aforesaid; any law, usage or custom to the contrary notwithstanding.

CHAPTER XLIV.

An Act to Annex Part of Bladen County to Robeson County, and to amend an Act, entitled "An Act to divide the County of Bladen."

Whereas it is represented to this General Assembly, that all that part of the inhabitants west of the Great Swamp, in Bladen county, are inconven-

iently situated to attend the public meetings at the court-house in the said county, and petitions to be added to the county of Robeson; which would be productive of many advantages, by enabling them to keep in repair certain roads crossing the Great Swamp, and also to attend the courts of Robeson county with much convenience, to which they should belong by a natural boundary:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this Act, all that part of the county of Bladen west of the Great Swamp, be and the same is hereby annexed to and shall remain part of the county of Robeson; and that the dividing line between the said two counties shall be and forever remain as herein described, viz: Beginning at the line dividing this State from South Carolina where it crosses Drowning Creek, and the said Drowning Creek to be the line (as it now is) to the mouth of the aforesaid Great Swamp, thence up the meanders of the east side of the said swamp to the head thereof commonly called the Galberry, and thence a direct line to the head of Gilley's Branch, and down the meanders of said branch of Rockfish Creek, and thence to the nearest point to the Cumberland line.

II. And be it further Enacted by the authority aforesaid, That Peter Roberson, John Willis, Jacob Rhodes and Samuel Cain are hereby appointed commissioners; and they or any three of them are hereby empowered to run the said dividing line, and are required to make return thereof to the courts of the aforesaid counties, and the same to be entered on record.

And whereas the time heretofore appointed by law to hold the courts in the said county of Robeson, is found to be very inconvenient, by interfering with the time of holding courts in several of the adjacent counties:

III. It is hereby Enacted by the authority aforesaid, That instead of holding the said courts on the second Mondays in May, August, November and February, they shall hereafter be constantly held on the third Mondays in April, July, October and January; and the Justices appointed to hold the same, are hereby authorized to adjourn their proceedings from time to time as by this law required.

IV. And be it further Enacted, That nothing herein contained shall be so construed as to prevent the collecting of such tax or taxes as are now actually due and owing to the county of Bladen, from such inhabitants as are by this Act added to the county of Robeson.

CHAPTER XLV.

An Act to Empower the County Court of Rockingham to lay a further Tax, to Reimburse the Commissioners the Money by them Expended in Erecting the Court-House, Prison and Stocks in said County.

Whereas the tax laid in the county of Rockingham for the years one thousand seven hundred and eighty-six and one thousand seven hundred and eighty-seven, is found to be insufficient to reimburse the Commissioners for the money by them expended, in erecting the public buildings of said county:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the county court of Rockingham shall have power, and are hereby directed to lay a tax at their February sessions next, not exceeding two shillings on each poll, and a tax not exceeding eight pence on every hundred acres of

land, for the reimbursements of the Commissioners aforesaid: Provided, That a majority at least of the Justices of the said county shall be present when the said tax is laid.

II. Be it further Enacted, That the court of the said county of Rockingham is hereby empowered to direct their Clerk to furnish the different Collectors with the amount of the said tax on the poll, and on each hundred acres of land, immediately after their said session in February next; which tax shall be collected and accounted for at the same time as the public tax for the year one thousand seven hundred and eighty-eight; and the Collectors and Sheriff shall be entitled to the same commissions on said tax, as they are allowed for the collection of the public taxes.

III. And be it further Enacted, That the Collectors and Sheriff shall be under the same pains and penalties for the collection of the said tax, as they and each of them are for the neglect of duty in the collection of public taxes.

IV. And be it further Enacted by the authority aforesaid, That the Sheriff of Rockingham county shall pay the money arising from the said tax into the hands of the Commissioners for their reimbursement, and the overplus, if any remains, the court shall apply towards lessening the county tax.

V. And be it further Enacted, That this act shall continue and be in full force for and during the term of two years, and no longer.

CHAPTER XLVI.

An Act empowering Thomas Johnston, late Sheriff of Onslow County, his Heirs, Executors or Administrators, to collect the Sinking Fund Tax due from that County for the Year 1786, and for giving him or them a longer Time to Collect and Settle for the same, and for Extending this Act to the Counties therein mentioned.

Whereas it is made appear to this General Assembly, That Thomas Johnston, late Sheriff of Onslow county, hath not received the sinking fund tax due from the inhabitants of Onslow county for the year one thousand seven hundred and eighty-six, and that he stands chargeable with the same:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Thomas Johnston, his heirs, executors or administrators, have full power and authority to collect the said tax, under the same rules and regulations as other public taxes are collected and accounted for; and that he or they collect the said tax, and pay the same into the public treasury of the state of North Carolina, on or before the last day of September next; any law, usage or custom to the contrary notwithstanding.

II. And be it further Enacted by the authority aforesaid, That this Act shall extend to the counties of Tyrrel and Rutherford, in as full and ample manner as to the county of Onslow.

CHAPTER XLVII.

An Act to Appoint Commissioners to Superintend the Building a Prison and Stocks for the District of Fayetteville, and to levy a Tax in the Counties within the said District, for defraying the Expences thereof.

Whereas the erecting a prison and stocks in the said district is absolutely necessary to insure the due execution of the laws and the punishment of offenders:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That Thomas Overton, Jacob Rhodes, Richard Clinton, Thomas Armstrong and Edward Williams, be, and they or a majority of them are hereby appointed Commissioners, for the purpose of fixing on a proper place in the town of Fayetteville for the erection of a prison and stocks for the said district, and to contract with proper persons for the erection and completion of such prison and stocks; and the said Commissioners, or a majority of them, may agree upon the dimensions and form of the prison.

II. And be it further Enacted by the authority aforesaid, That a tax of two shillings on each and every poll, and eight pence on each and every hundred acres of land, and two shillings on each hundred pounds value of town lots with their improvements, in the county of Cumberland; and a tax of one shilling on each and every poll, and four pence on each hundred acres of land, and one shilling on each hundred pounds value of town lots with their improvements, in the counties of Moore, Sampson, Robeson and Richmond, shall be levied and collected for the year one thousand seven hundred and eighty-nine, and half of the aforesaid sum for the year one thousand seven hundred and ninety, for the purposes of defraying the expence of building the said prison and stocks, in the same manner, and under the same rules and restrictions as the public taxes are, and paid into the hands of the said Commissioners.

III. And be it further Enacted by the authority aforesaid, That the said Commissioners, after paying all the charges incurred in the building the said prison and stocks, shall pay such surplus as shall then remain in their hands to the Clerk of the Superior Court of Fayetteville district, for the purpose of repairing the court-house of said district, and the prison and stocks, as the Commissioners may think necessary.

IV. And be it further Enacted, That if the Sheriff of any of the said counties shall fail to account with the said Commissioners for the afore mentioned tax, at the time when the public tax is demandable, the said Commissioners shall be authorized, and are hereby required, to take judgment against such Sheriff for the sum due from him, in the same manner as the Treasurer is authorized to do by law for the public tax due from any delinquent Sheriff.

CHAPTER XLVIII.

An Act to amend an Act passed at Hillsborough, in the Year One Thousand Seven Hundred and Eighty-three, entitled "An Act to vest certain Lands in Fee Simple in Richard Henderson and others."

Whereas by reason of danger from the Indians, and the unsettled state of the country where the said lands lie, the survey of them could not be compleated within the time prescribed by the said law:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said Richard Henderson and Company, shall have full power, right and authority to compleat the said survey, according to the said act of Assembly; and if compleated within twelve months after a peace shall be settled with the Indians, it shall be as full and effectual to all intents and purposes, as if it had been compleated within the time prescribed by the said Act.

CHAPTER XLIX.

An Act to Establish a Town Already Laid Off at the Court-House in Robeson County, by the Name of Lumberton.

Whereas John Willis, Esquire, did, by a conveyance in trust for the purpose of having the same laid off and disposed of by way of lottery, convey a certain quantity of land to Henry Lightfoot, Elias Barns, Jacob Rhodes, Sampson Bridgers and William Tatham, Esquires, who were pursuant thereto appointed by the county court of Robeson to superintend the same; and the said superintendants did cause the said land to be laid off into half-acre lots, with convenient streets and commons, and a public square, by the name of Lumberton: And whereas the said lottery was drawn, and the plan and scheme thereof, with all other papers respecting the same, filed and deposited in the Clerk's office of said county, and the public buildings for said county erected on said square; and there now being considerable improvements made in said town, the inhabitants thereof and owners of said lots, are desirous that the same should be established by legislative authority:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said land so laid off, be established a town and town common, agreeable to the scheme and plan thereof, by the name of Lumberton.

And whereas it may so happen that said managers appointed as aforesaid, may remove themselves out of the said county, die or resign their appointment: For remedy whereof,

II. Be it further Enacted by the authority aforesaid, That it shall and may be lawful for the Justices of the county court aforesaid, when such vacancies shall or may happen, to appoint such other managers as they may think proper to fill such vacancies; and a majority of them shall always be considered as sufficient in making conveyances in the manner heretofore expressed.

III. And be it further Enacted by the authority aforesaid, That all lots and town property in the said town of Lumberton shall be subject to assessment and taxation, in the same manner, and under the same regulations as other town property in this state.

And whereas there are lots lying in said town which have not been claimed, and it is probable the tickets are lost and may never appear; and in order to do justice to the owner or owners of such lots, if any there be:

IV. It is hereby Enacted, That the managers for said town cause to be rented out, all such improved lots from year to year, for the highest sums that can be had for the same; which sums they shall be subject to account for to such person or persons as may prove themselves to be the lawful owner or owners.

CHAPTER L.

An Act to Establish the Town Already Laid Off at the Court-House in Caswell County.

Whereas one hundred acres of land, adjacent to and whereon Caswell court-house now stands, hath been laid off into a town of square streets and sixty-two lots, by Nicholas Delone and William Lea, who were the proprietors of the aforesaid one hundred acres of land, and hath already sold and disposed of to merchants, artificers and others, the aforesaid sixty-two

lots, many of whom have erected buildings and made considerable improvements for the purpose aforesaid, and are desirous the said town should be established by legislative authority:

I. Be it therefore Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That the said one hundred acres of land so laid off into square streets and lots, be and the same is hereby constituted, erected and established into a town, and shall be called by the name of Leasburg:

II. And be it further Enacted by the authority aforesaid, That Nicholas Delone, William Lea, Lloyd Vanhook, Thomas Neely, Gabriel Lea, Samuel Johnston and John M'Farlin, be and they are hereby constituted and appointed Trustees, for the further designing, building and improving the said town.

And for continuing the succession of the Trustees or Directors of said town:

III. Be it Enacted by the authority aforesaid, That in case of the death, refusal to act or removal out of the county, of any of the said Trustees or Directors, the surviving or other Trustees or Directors, or a majority of them, shall assemble, and are hereby empowered, from time to time, by instrument of writing under their respective hands and seals, to nominate and appoint some other person or persons, in the room and place of him or them so dying, refusing to act or removing out of the county; which new Director or Directors so nominated and appointed, shall from thenceforth have the like powers and authority as if he or they had been expressly nominated in and by this Act. Provided always, That the lot of four acres of land, whereon the public buildings for said county now stand erected, together with the springs in the said town, shall agreeably to the original survey of the said lot be reserved for public use; and inhabitants thereof shall have free egress and regress to and from the said springs, by such streets and alleys as shall be deemed and laid off most convenient by the said Commissioners; any thing herein contained to the contrary notwithstanding.

CHAPTER LI.

An Act to Authorize and Enable John Colson to return into this State, and Exercise the Privileges therein mentioned.

Whereas it hath been made appear to the General Assembly, that John Colson, late of Anson county, in this state, did convey and transfer unto his grand children a considerable part of his estate, both real and personal, whereof he stood seized and possessed, and did remove himself out of the limits and jurisdiction of this state, having left considerable debts unpaid due by him to sundry of the inhabitants of this state: And whereas suits have been commenced against the said John Colson for the recovery of the said debts, by attachment and otherwise, which will tend greatly to oppress and injure the grand children of the said John Colson, by depriving them of their respective donations, unless he should be permitted to return and settle his affairs: For remedy whereof,

I. Be it Enacted by the General Assembly of the State of North Carolina, and it is hereby Enacted by the authority of the same, That from and after the passing of this act, it shall and may be lawful for the said John Colson, his heirs, executors, administrators or assigns, to sue or be sued, implead or be impleaded, answer or be answered, in any court of record

in this state, for all and singular sums of money due to him or owing by him the said John Colson, in any manner whatsoever; any law to the contrary notwithstanding: Provided nevertheless, That nothing in this act contained, shall be construed to authorize or enable the said John Colson to commence or prosecute any suit, either in law or equity in this State, until he shall have previously before some Justice of the Peace, or before one of the Judges of the Superior Court, taken and subscribed an oath of allegiance and fidelity to this state.

Read three times and ratified in General Assembly, at Fayetteville, the 6th day of December, 1788, except chapters 41 and 43, which were ratified the 15th of November, chapter 21, the 29th of November, and chapter 26, the 4th of December, 1788.

ALEXANDER MARTIN, S. S.
JOHN SITGREAVES, S. H. C.

The foregoing is a true copy:
JAMES GLASGOW, Secretary.